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United Nations

Report of the Human Rights Council

Thirty-third session
(13-30 September 2016)

General Assembly
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Seventy-first Session
Supplement No. 53 (A/71/53/Add.1)

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Note

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I. Introduction

1. The Human Rights Council held its thirty-third session from 13 to 30 September 2016.

2. The report of the Human Rights Council on its thirty-third session will be issued in document A/HRC/33/2.

II. Resolutions

33/1. Special Rapporteur on contemporary forms of slavery, including its causes and consequences

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

Recognizing the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, and other relevant international instruments that prohibit all forms of slavery and call upon Governments to eradicate such practices,

Recalling that the Durban Declaration and Programme of Action strongly condemned the fact that slavery and slavery-like practices still exist today in parts of the world, and urged States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights,

Reaffirming Human Rights Council resolutions 6/14 of 28 September 2007, 15/2 of 29 September 2010 and 24/3 of 26 September 2013,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1]

Condemning contemporary forms of slavery, while acknowledging that it is a global issue that affects all continents and most countries of the world, and calling upon States to take appropriate measures as a matter of priority to end such practices,

Deeply concerned that the minimum estimate of the number of people subjected to contemporary forms of slavery is that of 21 million victims of forced labour worldwide,

Recognizing that discrimination, social exclusion, gender inequality and poverty lie at the heart of contemporary forms of slavery, and the particular vulnerability of migrant workers,

Stressing the importance of criminalizing all forms of slavery through national legislation,

Acknowledging the challenges to slavery eradication highlighted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including the absence of legislation in some countries, deficiencies and loopholes in legal frameworks, insufficiently dissuasive sanctions, a lack of will and/or resources for implementing law and policy measures, the difficulty in locating and identifying victims and the lack of effective rehabilitation measures,

Recognizing that broad international cooperation among States, and between States and relevant intergovernmental and non-governmental organizations, is essential for effectively countering contemporary forms of slavery,

[1] General Assembly resolution 70/1.

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Convinced that the issue of contemporary forms of slavery continues to require the attention of the Human Rights Council,

Bearing in mind the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur, in particular the need for rehabilitation and assistance for victims of contemporary forms of slavery,

1. *Welcomes* the work and takes note with appreciation of the thematic reports of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, including those on contemporary forms of slavery in supply chains and on debt bondage;[7]

2. *Also welcomes* the cooperation of those States that have accepted requests for visits by the Special Rapporteur and have responded to her requests for information;

3. *Further welcomes* the steps taken by States to address contemporary forms of slavery through, inter alia, the adoption of new legislation, the revision of relevant policies and the establishment of independent domestic mechanisms, and urges States to increase their efforts further to combat contemporary forms of slavery;

4. *Renews* the mandate of the Special Rapporteur for a period of three years;

5. *Decides* that the Special Rapporteur shall continue to examine and report on all contemporary forms of slavery and slavery-like practices, in particular those defined in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and all other issues covered previously by the Working Group on Contemporary Forms of Slavery; in the discharge of the mandate, the Special Rapporteur shall:

(*a*) Promote the effective application of relevant international norms and standards on slavery;

(*b*) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations;

(*c*) Recommend action and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies that address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict, and the existence of demand factors and relevant measures to strengthen international cooperation;

(*d*) Focus principally on aspects of contemporary forms of slavery that are not covered by existing mandates of the Human Rights Council;

6. *Requests* the Special Rapporteur, in carrying out the mandate, to continue:

[7] A/HRC/30/35 and A/HRC/33/46.

(*a*) To give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices and relevant recommendations;

(*b*) To take account of the gender and age dimensions of contemporary forms of slavery;

7. *Also requests* the Special Rapporteur to participate in relevant international dialogues and policy forums related to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goal 8, and to advise States, intergovernmental organizations, civil society and other stakeholders on the effective respect, protection and fulfilment of human rights of those affected by contemporary forms of slavery in the implementation of the 2030 Agenda, and to undertake thematic research on the effective implementation of Goal 8, with a particular focus on target 8.7;[1]

8. *Encourages* the Special Rapporteur to compile and analyse examples of national legislation relating to the prohibition of slavery and slavery-like practices in order to assist States in their national efforts to combat contemporary forms of slavery;

9. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries so as to enable the mandate holder to fulfil the mandate effectively;

10. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions and non-governmental organizations to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of the mandate;

11. *Encourages* States to consider contributing to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

12. *Encourages* the Special Rapporteur to continue to cooperate fully and effectively with all other relevant existing human rights mechanisms, and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, taking full account of their contribution while avoiding duplication of their work;

13. *Requests* the Special Rapporteur to submit reports on the implementation of the mandate to the Human Rights Council and the General Assembly in accordance with their annual programmes of work.

38th meeting
29 September 2016

[Adopted without a vote.]

33/2. The safety of journalists

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and

[1] Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all General Assembly resolutions on the safety of journalists and the issue of impunity, including resolutions 68/163 of 18 December 2013, in which the Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, and 70/162 of 17 December 2015, and Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

Recalling also Human Rights Council resolutions 21/12 of 27 September 2012 and 27/5 of 25 September 2014, on the safety of journalists, Council decision 24/116 of 26 September 2013, on a panel discussion on the safety of journalists, and all other relevant resolutions of the Commission on Human Rights and the Council, in particular Council resolution 12/16 of 2 October 2009 and all other resolutions on the right to freedom of opinion and expression, Council resolution 13/24 of 26 March 2010, on the protection of journalists in situations of armed conflict, Council resolution 28/16 of 26 March 2015, on the right to privacy in the digital age, and Council resolutions 26/13 of 26 June 2014 and 32/13 of 1 July 2016, on the promotion, protection and enjoyment of human rights on the Internet,

Welcoming the latest report of the Secretary-General on the safety of journalists and the issue of impunity,[4] and recalling his previous report thereon,[5]

Recalling all relevant reports of the special procedures of the Human Rights Council on the safety of journalists, in particular the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions, presented to the Council at its twentieth session,[6] and the interactive dialogue thereon,

Recalling also the report of the Office of the United Nations High Commissioner for Human Rights on good practices in the safety of journalists,[7] the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, and the summary report of the Office of the High Commissioner thereon,[8]

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, and taking note with appreciation of its 2015 publications entitled *World Trends in Freedom of Expression and Media Development* and *Building Digital Safety for Journalism*,

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations with a view to strengthening peace, democracy and development worldwide,

Welcoming the adoption of the 2030 Agenda for Sustainable Development[9] and the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable

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[4] A/70/290.
[5] A/69/268.
[6] A/HRC/20/17 and 22.
[7] A/HRC/24/23.
[8] A/HRC/27/35.
[9] General Assembly resolution 70/1.

development, including by ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements, and therefore recognizing the important contribution of the promotion and protection of the safety of journalists in this regard,

Welcoming also the initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of the Freelance Journalist Safety Principles and the International Declaration on the Protection of Journalists presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Recognizing that the work of journalists often puts them at specific risk of intimidation, harassment and violence, the presence of which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed, tortured, arrested or detained in recent years as a direct result of their profession,

Expressing further serious concern at attacks and violence against journalists and media workers in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Expressing deep concern at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

Emphasizing the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, in violation of their rights to privacy and to freedom of expression,

Recognizing the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during periods of elections,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, intimidation, threats and harassment, including through attacks on or the forced closure of their offices and media outlets, in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

4. *Urges* States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

5. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (a) legislative measures; (b) supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) the regular monitoring and reporting of attacks against journalists; (d) publicly, unequivocally and systematically condemning violence and attacks; and (e) dedicating the resources necessary to investigate and prosecute such attacks;

6. *Also calls upon* States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held on 11 June 2014 and/or compiled in the report of the Office of the United Nations High Commissioner for Human Rights,[7] inter alia:

(*a*) The creation of special investigative units or independent commissions;

(*b*) The appointment of a specialized prosecutor;

(*c*) The adoption of specific protocols and methods of investigation and prosecution;

(*d*) The training of prosecutors and the judiciary on the safety of journalists;

(*e*) The establishment of information-gathering mechanisms, such as databases, to permit the gathering of verified information about threats and attacks against journalists;

(*f*) The establishment of an early warning and rapid response mechanism to give journalists, when threatened, immediate access to the authorities and protective measures;

7. *Further calls upon* States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat pervasive

impunity, including through enforcement mechanisms with the capacity to pay systematic attention to their safety;

8. *Urges* States to bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and, where necessary, amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

9. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearances;

10. *Calls upon* all States to pay particular attention to the safety of journalists during periods of elections and while covering events in which persons are exercising their rights to peaceful assembly and freedom of expression, taking into account their specific role, exposure and vulnerability;

11. *Calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

12. *Also calls upon* States to protect in law and in practice the confidentiality of journalists' sources, in acknowledgement of the essential role of journalists in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

13. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use of such technologies, with any restrictions thereon complying with States' obligations under international human rights law;

14. *Also emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, together with protective equipment and insurances, where necessary;

15. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

16. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

17. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

18. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

19. *Requests* the High Commissioner to prepare a report with an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness, in consultation with States, the mechanisms themselves and all other relevant stakeholders, and to submit it to the Human Rights Council at its thirty-ninth session;

20. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.

38th meeting
29 September 2016

[Adopted without a vote.]

33/3. Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011, 21/9 of 27 September 2012, 25/15 of 27 March 2014, 27/9 of 25 September 2014 and 30/29 of 2 October 2015,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and the protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and 2 of the Charter and with, inter alia, full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice

and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Concerned about the continued abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and the protection of human rights should be based on the principle of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing the need for adequate financing of and technology transfer to developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order;

2. *Also reaffirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value that is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, and the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

6. *Reaffirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(*a*) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and pursue freely their economic, social and cultural development, in accordance with the Charter of the United Nations and relevant resolutions of the United Nations;

(*b*) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(*c*) The right of every human person and all peoples to development;

(*d*) The right of all peoples to peace;

(*e*) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(*f*) International solidarity, as a right of peoples and individuals;

(*g*) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(*h*) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(*i*) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(*j*) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(*k*) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(*l*) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(*m*) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(*n*) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(*o*) The shared responsibility of the nations of the world for managing worldwide economic and social development, and threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, and of respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Reaffirms*, among other principles, the principles of sovereign equality of States, of non-intervention and of non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject

all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security, and to that end should do their utmost to achieve general and complete disarmament under effective international control, and to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, to make it possible to eliminate the widening gap between developed and developing countries and to ensure steadily accelerating economic and social development and peace and justice for present and future generations;

14. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

15. *Affirms* that a democratic and equitable international order, as prescribed in the Charter, cannot be achieved through the deregulation of trade, markets and financial services;

16. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;[10]

17. *Invites* the Independent Expert to continue his research into the impact of the financial and economic policies pursued by international organizations and other institutions, in particular the World Bank and the International Monetary Fund, on a democratic and equitable international order;

18. *Calls upon* all Governments to cooperate with and to assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

19. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

20. *Requests* the Independent Expert to submit to the Human Rights Council, at its thirty-sixth session, a report on the implementation of the present resolution;

21. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as the South Centre, and with other stakeholders from all regions;

22. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

[10] A/HRC/33/40.

23. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

24. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

25. *Decides* to continue consideration of this matter under the same agenda item at its thirty-sixth session.

38th meeting
29 September 2016

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Georgia, Kenya, Mexico, Paraguay, Togo]

33/4. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014 and 30/6 of 1 October 2015,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

Recalling further Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[11]

Alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and about the threat they pose to the integrity of and to respect for the constitutional order of the countries affected,

Recalling the holding of regional consultations in all five regions from 2007 to 2011, in which participants noted that the enjoyment and the exercise of human rights were increasingly impeded by the emergence of several new challenges and trends relating to mercenaries or their activities and by the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of those consultations,

Convinced that, regardless of the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to

[11] General Assembly resolution 2625 (XXV), annex.

impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish national regulatory mechanisms for the registering and licensing of those companies and for accountability and remedies for violations resulting from activities conducted by those companies, in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, in privatized prisons and immigration-related detention facilities and in the extractive industries, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

9. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and to respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities, in transparent, open and fair trials;

14. *Acknowledges with appreciation* the work and contributions of the Working Group, including its research activities, and takes note of its most recent report;[12]

15. *Recalls* the holding of the fourth session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, expresses satisfaction at the participation of experts, including of the members of the Working Group, as resource persons in the above-mentioned session, and requests the Working Group and other experts to continue their participation in the open-ended intergovernmental working group and to submit contributions for its fifth session;

16. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military or security company, contribute to the work of the open-ended intergovernmental working group, taking into account the work carried out by the Working Group;

17. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term "mercenary" drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,[13] and also the evolving phenomenon of mercenaries and its related forms;

18. *Reiterates* its requests to the Office of the High Commissioner to, as a matter of priority, publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, render advisory services to States that are affected by those activities;

19. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, and private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;

20. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

21. *Renews*, for a period of three years, the mandate of the Working Group, for it to continue to undertake the tasks described by the Human Rights Council in its resolution 7/21 of 28 March 2008 and in all other relevant resolutions on the subject;

22. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

23. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its

[12] A/HRC/33/43.
[13] E/CN.4/2004/15.

mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

24. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-second session and to the Human Rights Council at its thirty-sixth session;

25. *Decides* to continue its consideration of this matter under the same agenda item at its thirty-sixth session.

38th meeting
29 September 2016

[Adopted by a recorded vote of 32 to 13, with 2 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Ghana, Mexico]

33/5. The human rights of older persons

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action,

Bearing in mind the Political Declaration and the Madrid International Plan of Action on Ageing of 2002, and all other relevant General Assembly resolutions,

Recalling Human Rights Council resolutions 21/23 of 28 September 2012 and 24/20 of 27 September 2013 on the human rights of older persons,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the

Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Welcoming the work and taking note with appreciation of the reports of the Independent Expert on the enjoyment of all human rights by older persons and of the Open-ended Working Group on Ageing, which is open to all States Members of the United Nations, for the purpose of strengthening the protection of the human rights of older persons,

Acknowledging the efforts of States to determine the best way to strengthen the protection of the human rights of older persons, considering the various proposals that have been made within the Open-ended Working Group on Ageing, including the possible elaboration of a multilateral legal instrument on the rights of older persons,

Acknowledging also the adoption of the 2030 Agenda for Sustainable Development,[14] and stressing the need to ensure that no one is left behind, including older persons,

Recognizing the essential contribution that older men and women can make to the functioning of societies and to the achievement of the 2030 Agenda,

Noting with appreciation the developments at the regional level in the protection and promotion of the human rights of older persons, such as the Inter-American Convention on the Protection of Human Rights of Older Persons and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, as adopted by their State parties,

Noting that, between 2015 and 2030, the number of persons aged 60 years or over is projected to grow by 56 per cent, from 901 million to 1.4 billion, and that this increase will be the greatest and the most rapid in the developing world, and recognizing that greater attention is needed to the specific challenges affecting older persons, including in the field of human rights,

Concerned at the multiple forms of discrimination that may affect older persons and at the high incidence of poverty and isolation among this particularly vulnerable group, especially older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets, migrants and refugees, among other groups,

1. *Recognizes* that older persons face a number of particular challenges in the enjoyment of their human rights that need to be addressed urgently, including in the areas of prevention of and protection against violence and abuse, social protection, food and housing, right to work, equality and non-discrimination, access to justice, education, training, health support, long-term and palliative care, lifelong learning, participation and accessibility;

2. *Emphasizes* the need for a comprehensive, all-encompassing approach to the care of older persons, which should be sustainable and based on human rights, and the need for coordination among sectors, policies, institutions, regional and local governments throughout the continuum of care, from prevention, promotion, rehabilitation to long-term and palliative care, including social care and other community services;

3. *Recalls* the need to combat the various forms of violence against older persons, a widespread phenomenon that includes discrimination in the public sphere,

[14] General Assembly resolution 70/1.

linguistic and employment discrimination, lack of access, isolation, neglect, financial exploitation, physical and psychological violence and the withholding of basic needs, and physical attacks;

4. *Reiterates* that poverty and lack of income security constitute major concerns for many older persons, and that information and advisory services on social security payments, pensions and retirement planning contribute to preventing old-age poverty and reducing the risk-of-poverty rate, vulnerability and social exclusion;

5. *Emphasizes* that consultation with older persons is essential in the formulation and adoption of legislation and policies relating to their specific needs and concerns;

6. *Decides* to extend the mandate of the Independent Expert on the enjoyment of all human rights by older persons for a period of three years:

(*a*) To continue to assess the implementation of national, regional and international standards relevant to the rights of older persons and to identify, exchange and promote best practices relating to the promotion and protection of these rights;

(*b*) To report on developments, challenges and protection gaps in the realization of the rights of older persons, including as input to the work of the Open-ended Working Group on Ageing, and to make recommendations to the Human Rights Council in this regard;

(*c*) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including older persons, their representative organizations and other civil society organizations, on violations of the rights of older persons;

(*d*) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of older persons;

(*e*) To raise awareness of the challenges faced in the realization of the human rights of older persons and of the positive contribution of older persons to society, and to provide them with information about their rights;

(*f*) To engage in dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, funds and programmes, regional human rights mechanisms, national human rights institutions, older persons, civil society organizations and academic institutions;

(*g*) To work in cooperation with States, assisting them when requested, in order to foster the implementation of measures that contribute to the promotion and protection of the rights of older persons;

(*h*) To integrate a gender and disability perspective throughout the work of the mandate, and to address multiple, intersecting and aggravated forms of discrimination faced by older persons;

(*i*) To work in close coordination, while avoiding unnecessary duplication, with the Open-ended Working Group on Ageing, other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and the treaty bodies;

7. *Requests* all Governments to cooperate with the Independent Expert, and invites them to provide the mandate holder with all necessary information relating to the mandate;

8. *Encourages* all relevant stakeholders, including United Nations agencies, funds and programmes, human rights mechanisms, national human rights institutions and civil society, and invites the private sector, donors and development agencies, to cooperate fully with the Independent Expert to enable the mandate holder to fulfil the mandate;

9. *Requests* the Secretary-General to ensure that the reports of the Independent Expert are brought to the attention of the Open-ended Working Group on Ageing, in accordance with paragraphs 1 and 3 of General Assembly resolution 67/139 of 20 December 2012;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;

11. *Decides* to remain seized of the matter.

38th meeting
29 September 2016

[Adopted without a vote.]

33/6. The role of prevention in the promotion and protection of human rights

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligations of States thereunder to promote universal respect for and observance of human rights and fundamental freedoms,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, and the outcomes of major United Nations conferences and relevant resolutions adopted by the General Assembly and the Human Rights Council,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Expressing concern at continued human rights violations around the world,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011,

Reaffirming its resolutions 14/5 of 17 June 2010, 18/13 of 29 September 2011 and 24/16 of 27 September 2013,

1. *Affirms* the importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights;

2. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations;

3. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations, including by:

(*a*) Considering ratifying international human rights conventions and covenants;

(*b*) Fully implementing international human rights conventions and covenants to which they are party;

(*c*) Enhancing and developing good governance, democratic systems, the rule of law and accountability;

(*d*) Adopting policies to ensure the enjoyment of all human rights, including civil, political, economic, social and cultural rights;

(*e*) Addressing all forms of discrimination, including racial discrimination;

(*f*) Addressing factors, inter alia inequality and poverty, that may lead to situations in which human rights violations are committed;

(*g*) Promoting a free and active civil society;

(*h*) Promoting freedom of opinion and expression;

(*i*) Ensuring, where they exist, strong and independent national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(*j*) Promoting human rights education and training;

(*k*) Ensuring an independent and functioning judiciary;

(*l*) Fighting corruption;

4. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations, and encourages States to strengthen the mandate and capacity of such institutions, where they exist, to enable them to fulfil this role effectively in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

5. *Continues* to invite national human rights institutions to consider addressing the issue of the role of prevention in the promotion and protection of human rights in the framework of relevant international and regional forums;

6. *Welcomes* the role of civil society in contributing to the promotion of human rights and the prevention of human rights violations;

7. *Acknowledges* that, in its resolution 60/251, the General Assembly decided that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

8. *Also acknowledges* the importance of the universal periodic review as a cooperative mechanism of the Human Rights Council aimed at, inter alia, improvement of human rights situations on the ground and the fulfilment of States' human rights obligations and commitments, based on the principle of promoting the universality, interdependence, indivisibility and interrelatedness of all human rights;

9. *Stresses* the need to develop further the concept of the prevention of human rights violations and to step up efforts to raise awareness of prevention in the promotion and protection of human rights in order to encourage its reflection in relevant policies and strategies at the national, regional and international levels;

10. *Recognizes* the need for further research to assist States, at their request, and other stakeholders to understand and mainstream the role of prevention in the promotion and protection of human rights;

11. *Continues* to encourage the United Nations High Commissioner for Human Rights, on the basis of consultation with States, relevant regional organizations, national human rights institutions and other relevant stakeholders, to inform the Human Rights Council on a regular basis on the practical applications of prevention in the promotion and protection of human rights;

12. *Notes with appreciation* the convening by the Human Rights Council at its twenty-seventh session of a panel discussion on the role of prevention in the promotion and protection of human rights, organized by the Office of the High Commissioner in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, and the preparation by the Office of a summary report on the outcome of the panel discussion,[15] presented to the Council at its twenty-eighth session;

13. *Takes note* of the study on the prevention of human rights violations and its practical implementation, drafted by the Office of the High Commissioner in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, taking duly into account, inter alia, the outcome of the above-mentioned panel discussion, and presented to the Human Rights Council at its thirtieth session;[16]

14. *Requests* the Office of the High Commissioner:

(*a*) To organize, prior to the thirty-seventh session of the Human Rights Council, an expert workshop to discuss the role and contribution of civil society organizations, academia, national human rights institutions and other relevant stakeholders in the prevention of human rights abuses, drawing on the conclusions and recommendations of the above-mentioned study;

(*b*) To invite States, relevant United Nations agencies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders to participate actively in the workshop;

(*c*) To prepare a summary report on the above-mentioned workshop, including any recommendations stemming therefrom, and to submit it to the Human Rights Council at its thirty-ninth session;

15. *Encourages* the Office of the High Commissioner to continue to gather information and research for further preparation of a practical toolkit to support States and other stakeholders in the practical application of prevention in the promotion and protection of human rights;

16. *Decides* to continue consideration of the matter under the same agenda item, in conformity with its annual programme of work.

38th meeting
29 September 2016

[Adopted without a vote.]

[15] A/HRC/28/30.
[16] A/HRC/30/20.

33/7. Unaccompanied migrant children and adolescents and human rights

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Discrimination in Education, the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

Recalling also all previous resolutions of the General Assembly on the protection of the human rights of migrants, in particular those relating to the situation of unaccompanied migrant children and adolescents, such as Assembly resolution 69/187 of 18 December 2014, Human Rights Council resolutions on the protection of the human rights of migrants, in particular resolution 29/12 of 1 July 2015, the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants, Commission on Population and Development resolution 2013/1 of 26 April 2013, entitled "New trends in migration: demographic aspects" and the Declaration of the High-level Dialogue on International Migration and Development, adopted on 3 October 2013,

Taking note of the progress report of the Human Rights Council Advisory Committee on the global issue of unaccompanied migrant children and adolescents and human rights, in which the Committee presented an analysis of the situation of children with high vulnerability,[17]

Taking note also of the work of the Special Rapporteur on the human rights of migrants, especially the reports in which the mandate holder addressed the human rights of migrant children and adolescents, and inviting States to give due consideration to the recommendations contained therein, and of the work of the Committee on the Rights of the Child with regard to the treatment of unaccompanied and separated children outside their country of origin, including in its general comment No. 6 (2005) on the topic, and the general discussion held by the Committee in 2012 on the rights of all children in the context of international migration,

[17] A/HRC/33/53.

Acknowledging the contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

Welcoming the convening of the high-level plenary meeting on addressing large movements of refugees and migrants, held in New York on 19 September 2016,

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on the situation of migrants in transit,[18] in which the Office analysed the human rights situation of migrants in transit, highlighted human rights concerns and made recommendations aimed at addressing critical protection gaps for migrants in transit, including unaccompanied children and adolescents, and women and girls,

Expressing serious concern about the situation of migrants, in particular children and adolescents, who are forced to flee or decide to leave their homelands owing to multiple causes and who are unaccompanied or separated from their families, and face a variety of risks on the migratory route, and calling upon States of origin, transit and destination to work together to find effective and sustainable solutions within a framework of solidarity and regional and international cooperation,

Concerned at the fact that the protection and assistance needs of many unaccompanied migrant children, often including their most basic needs, have not yet been met,

Deeply concerned at the fact that migrant children and adolescents who are in vulnerable situations when attempting to cross international borders without the required travel documents may be exposed to serious human rights violations and abuses that can threaten their physical, emotional and psychological health and well-being, and may also be exposed to crimes and human rights abuses, including theft, kidnapping, extortion, physical abuse, smuggling and trafficking in persons, including forced labour, and sexual exploitation and abuse, during their journeys,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[19] in which migration is included for the first time in the global development framework, acknowledging that the implementation of the 2030 Agenda could have a positive impact in addressing some of the root causes of migration and hence reduce forced migration and result in situations in which migration is a choice, and recognizing the importance of international cooperation in achieving these goals,

Mindful of the fact that, in the fulfilment of their obligations to promote, protect and respect the rights of migrants in accordance with international law, States of origin, transit and destination can benefit from greater international cooperation,

1. *Calls upon* countries of origin, transit and destination to facilitate family reunification, as appropriate, as an important objective that promotes the welfare and the best interests of unaccompanied migrant children and adolescents, as applicable under national law, due process and the relevant provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, and to comply with the consular notification and access obligations set forth in the Vienna Convention on Consular Relations so that States may, as appropriate, provide child-friendly consular assistance, including legal assistance;

2. *Encourages* States to take into account the principle of the best interests of the child as a primary consideration and to promote, protect and respect the rights of children, bearing in mind in particular their needs at all times, including in the process of

[18] A/HRC/31/35.

[19] General Assembly resolution 70/1.

return to their countries of origin, and ensuring that, in any type of return, whether voluntary or otherwise, the principle of non-refoulement is respected in accordance with applicable international law;

3. *Reminds* States that migrant children should not be subject to arbitrary arrest or arbitrary detention, and encourages States to respect the human rights of each child and to take into account, as a primary consideration, the best interests of the child;

4. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international law, and to promote and protect the human rights of all migrants without discrimination, including by taking steps to increase cooperation and coordination at all levels to address serious human rights violations and abuses, serious crimes, such as the smuggling and trafficking of unaccompanied migrant children, and other abuse and exploitation;

5. *Decides* to convene at its thirty-fifth session a panel discussion on the theme, "Unaccompanied migrant children and adolescents and human rights", the objective of which will be to identify challenges and best practices by countries of origin, transit and destination and possible joint efforts at all levels to protect the human rights of unaccompanied migrant children and adolescents, and requests the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to facilitating their participation in the panel discussion;

6. *Requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit it to the Human Rights Council at its thirty-sixth session;

7. *Notes* the request made by the Advisory Committee at its sixteenth session to extend the time schedule envisaged to allow for better informed work by, inter alia, taking into account the work currently under way by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child, which is scheduled to be finalized at the end of 2016, and requests the Advisory Committee to submit a final report on the global issue of unaccompanied migrant children and adolescents and human rights to the Human Rights Council at its thirty-sixth session;

8. *Invites* the special procedures of the Human Rights Council, within their mandates, to continue to give due consideration to the situation of unaccompanied migrant children and adolescents and the impact of this issue on the full enjoyment of their human rights, and to continue to report thereon;

9. *Decides* to remain seized of the matter.

38th meeting
29 September 2016

[Adopted without a vote.]

33/8. Local government and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 24/2 of 26 September 2013 and 27/4 of 25 September 2014 on the role of local government in the promotion and protection of human rights,

Recalling further General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development, in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, and its commitments to working tirelessly for full implementation of the Agenda by 2030 at all levels,

Underscoring the significant contribution that local government can make to the implementation of the Sustainable Development Goals and their targets,

Bearing in mind that the Sustainable Development Goals and their targets are aimed at realizing the human rights of all and at achieving gender equality and the empowerment of all women and girls, and also that they are integrated and indivisible, and balance the three dimensions of sustainable development: the economic, the social and the environmental,

Taking note with appreciation of the research-based report of the Human Rights Council Advisory Committee on the role of local government in the promotion and protection of human rights,[20]

Bearing in mind that human rights and fundamental freedoms are the birthright of all human beings, and that their protection and promotion is the first responsibility of Governments,

Recognizing the role of local government in the promotion and protection of human rights, without any prejudice to the primary responsibility of the national Government in this regard,

Recognizing also that local government has different forms and functions in every State, in accordance with the constitutional and legal system of the State concerned,

Recognizing further that, given its proximity to people and being at the grass-roots level, one of the important functions of local government is to provide public services that address local needs and priorities related to the realization of human rights at the local level,

Underlining that the promotion of a human rights culture within public services, and public servants' knowledge, training and awareness, play a vital role in promoting respect for and the realization of human rights in society, and stressing the importance in this regard of human rights education and training for public servants at the local government level,

Noting relevant international and regional initiatives to promote human rights at the local level,

Reaffirming the crucial role that the national Government can play in promoting a positive contribution by local government to the implementation of the 2030 Agenda for Sustainable Development with regard to the promotion and protection of human rights,

1. *Decides* to convene between its thirty-fifth and thirty-sixth sessions, taking advantage of existing capacities, a panel discussion on the role of local government in the

[20] A/HRC/30/49.

promotion and protection of human rights, the objective of which will be to identify ways in which local government can promote, protect and fulfil human rights effectively, particularly in the context of implementing the 2030 Agenda for Sustainable Development, in close cooperation with the national Government;

2. *Requests* the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations agencies, funds and programmes, the treaty bodies, the relevant special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit the report to the Human Rights Council at its thirty-eighth session;

4. *Decides* to remain seized of the matter.

39th meeting
29 September 2016

[Adopted without a vote.]

33/9. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Reaffirming also General Assembly resolution 70/1 of 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", and welcoming the Sustainable Development Goals, including, inter alia, Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, and other health-related Goals and targets,

Recalling Human Rights Council resolutions 6/29 of 14 December 2007, 15/22 of 27 September 2010 and 24/6 of 8 October 2013, and all previous resolutions of the Commission on Human Rights and the Council on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the work of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Takes note* of the reports of the Special Rapporteur submitted to the Human Rights Council at its thirty-second session;[21]

3. *Decides* to extend the mandate of the Special Rapporteur, as established by the Human Rights Council in paragraph 1 of its resolution 6/29, for a further period of three years;

4. *Encourages* the Special Rapporteur, in fulfilling the mandate, to submit proposals that could support the implementation of the health-related Sustainable Development Goals and targets;

5. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, and to give due consideration to the recommendations made by the mandate holder;

6. *Encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable the mandate holder to fulfil the mandate effectively;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

8. *Requests* the Special Rapporteur to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate, with a view to maximizing the benefits of the reporting process;

9. *Decides* to continue its consideration of this matter under the same agenda item, in accordance with its programme of work.

39th meeting
29 September 2016

[Adopted without a vote.]

33/10. The human rights to safe drinking water and sanitation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010, 16/2 of 24 March 2011, 18/1 of 28 September 2011, 21/2 of 27 September 2012, 24/18 of 27 September 2013 and 27/7 of 2 October 2014,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the human right to safe drinking water and sanitation as essential for the full enjoyment of the right to life and all other human rights,

Recalling also General Assembly resolution 70/169 of 17 December 2015, in which the Assembly recognized the rights to safe drinking water and sanitation as human rights that are essential for the full enjoyment of the right to life and all other human rights, and

[21] A/HRC/32/32 and 33.

recalling also all resolutions by the Assembly relevant to the full realization of the human rights to safe drinking water and sanitation,

Recalling further the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling the Vienna Declaration and Programme of Action, which reaffirms that all human rights are universal, indivisible, interdependent and interrelated, including the right to development,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[22] including Goal 6 on ensuring the availability and sustainable management of water and sanitation for all, which comprises important targets relating to the human rights to safe drinking water and sanitation as well as hygiene, and acknowledges the need for an integrated approach to Goal 6 that reflects the interlinkages between achieving access to safe drinking water, sanitation and hygiene, while also striving to improve the quality and safety of water, to reduce the number of people suffering from water scarcity and to ensure attention to the needs of women and girls,

Affirming that attention to realizing the human rights to safe drinking water and sanitation and other related human rights will advance efforts by Member States to achieve several other Sustainable Development Goals, including those relating to adequate housing, education, health and gender equality,

Noting the relevant commitments and initiatives promoting the human rights to safe drinking water and sanitation made at the 2014 high-level meeting of the Sanitation and Water for All partnership and in the Ngor Declaration on Sanitation and Hygiene, adopted at the fourth African Conference on Sanitation and Hygiene, in 2015, the Dhaka Declaration, adopted at the sixth South Asian Conference on Sanitation, in 2016, the Lima Declaration, adopted at the fourth Latin American and Caribbean Conference on Sanitation, in 2016, and the Dar es Salam road map for achieving the Ngor commitments on water security and sanitation in Africa, adopted at the sixth Africa Water Week, in 2016,

Deeply concerned that the world missed meeting the sanitation component of Millennium Development Goal 7 by almost 700 million people, and that more than 2.4 billion people still do not have access to improved sanitation facilities, including more than 946 million people who, as at 2015, still practise open defecation, which is one of the clearest manifestations of poverty and extreme poverty,

Deeply concerned also that the lack of access to water and sanitation and hygiene underlies severe human costs such as poor health and high mortality rates, and major economic losses, and affirming that affordability, accessibility and availability, as human rights criteria, require that the use of water, sanitation and hygiene facilities and services is accessible at a price that is affordable to all people,

Deeply concerned further that women and girls often face particular barriers in their access to water and sanitation, which are exacerbated in humanitarian crises, and that they shoulder the main burden of collecting household water in many parts of the world, which restricts their time for other activities, such as education and leisure for girls or earning a livelihood for women,

[22] General Assembly resolution 70/1.

Deeply concerned that the lack of access to adequate water and sanitation services, including for menstrual hygiene management, especially in schools, contributes to reinforcing the widespread stigma associated with menstruation, which negatively affects gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to health,

Deeply concerned also that women and girls are particularly at risk of and exposed to attacks, sexual and gender-based violence, harassment and other threats to their safety while collecting household water and when accessing sanitation facilities outside their homes, or practicing open defecation,

Reaffirming the responsibility of States to ensure the respect, promotion and protection of all human rights, which are universal, indivisible, interdependent and interrelated and must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Recalling the understanding by the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the human right to safe drinking water and sanitation that the rights to safe drinking water and sanitation are closely related, but have features that warrant distinct treatment in order to address specific challenges in their implementation, that sanitation too often remains neglected if not addressed as a separate right, and that both rights are components of the right to an adequate standard of living,

Recalling also that the human rights to safe drinking water and sanitation are derived from the right to an adequate standard of living and are inextricably related to the right to the highest attainable standard of physical and mental health, and to the right to life and human dignity,

Reaffirming the importance of eliminating discrimination and inequalities in the enjoyment of the human rights to safe drinking water and sanitation on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds, and with a view to eliminating discrimination and inequalities based on factors such as rural-urban disparities, substandard housing, income levels or other relevant considerations,

Affirming the importance of national programmes and policies in ensuring the progressive realization of the human rights to safe drinking water and sanitation,

Affirming also the importance of regional and international technical cooperation, where appropriate, as a means to promote the progressive realization of the human rights to safe drinking water and sanitation, without any prejudice to questions of international water law, including international watercourse law,

Recognizing the important role that civil society plays at the local, national, regional and international levels in facilitating the achievement of the purposes and principles of the United Nations, fundamental freedoms and human rights, including the human rights to safe drinking water and sanitation,

Recalling Human Rights Council resolutions 5/1, on institution-building of the council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recognition by the General Assembly of the human rights to safe drinking water and sanitation as components of the right to an adequate standard of living and essential for the full enjoyment of the right to life and all human rights;

2. *Also welcomes* the recognition by the General Assembly that the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient,

safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living;

3. *Affirms* that the human rights to safe drinking water and sanitation are closely related, but have features that warrant distinct treatment in order to address specific challenges in their implementation, while recognizing the relevance of all previous Human Rights Council resolutions on the topic and the importance of the work of the previous and current Special Rapporteur on the human right to safe drinking water and sanitation;

4. *Takes note with appreciation* of the annual report of the Special Rapporteur submitted to the Human Rights Council at its thirtieth session on access to affordable water and sanitation services,[23] and the annual report submitted to the Council at its thirty-third session on gender equality in the realization of the human rights to water and sanitation;[24]

5. *Also takes note with appreciation* of the annual report of the previous mandate holder submitted to the General Assembly at its sixty-ninth session on the right to participation in the context of realizing the right to safe drinking water and sanitation[25] and the annual report of the current Special Rapporteur submitted to the General Assembly at its seventieth session on the human rights framework for water, sanitation and hygiene and the relevant human rights standards and principles that serve to assess different levels and types of services;[26]

6. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the rights to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

7. *Stresses* the important role of international cooperation and technical assistance by States, specialized agencies of the United Nations system and international and development partners, and by donor agencies, in particular in the timely achievement of the relevant Sustainable Development Goals, and urges development partners to adopt a human rights-based approach when designing, implementing and monitoring development programmes in support of national initiatives and plans of action relating to the rights to safe drinking water and sanitation;

8. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, including the human rights to safe drinking water and sanitation, and in this regard of judicial, quasi-judicial and other appropriate remedies, including procedures initiated by or on behalf of individuals or, as appropriate, groups of individuals, and of adequate procedures to avoid infringements of such rights with a view to ensuring justice for all for violations in the context of the realization of the rights to water and sanitation as components of the right to an adequate standard of living, including taking the measures necessary to ensure that women and girls and persons at risk have equal access to effective remedies;

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[23] A/HRC/30/39.
[24] A/HRC/33/49.
[25] A/69/213.
[26] A/70/203.

9. *Notes with concern* that, in spite of all efforts, gender inequalities still exist in the realization of the human rights to safe drinking water and sanitation, and therefore calls upon States:

(*a*) To identify, with a view to repealing and reforming them, all laws that have both direct and indirect discriminatory consequences with regard to the equal enjoyment of the human rights to safe drinking water and sanitation, and with regard to gender-based violence;

(*b*) To take action to tackle systemic inequalities and to meet their obligations to effectively achieve substantive gender equality in the enjoyment of the rights to safe drinking water and sanitation, including through the implementation of targeted gender-responsive policies, budgets and measures that go beyond enacting formal provisions;

(*c*) To prevent and combat the root causes of gender inequalities, including the impact of social norms, stereotypes, roles and taboos with regard to both women and men, through public campaigns, education and the media, among other measures;

(*d*) To consider that gender-based inequalities are exacerbated when coupled with other grounds of discrimination and disadvantages, and therefore to use an "intersectionality lens" in policy initiatives so that priority is given to and measures are taken, as necessary, for those most disadvantaged in the enjoyment of their rights to water and sanitation, including women and girls;

(*e*) To increase collaboration between the water, sanitation and hygiene sector and other sectors, including the education, employment and health sectors, and to address inequalities on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any grounds, with a view to progressively eliminating inequalities in a comprehensive manner;

(*f*) To develop water, sanitation and hygiene approaches, programmes and policies that enable the meaningful participation of women and girls at all stages of planning, decision-making, implementation, monitoring and evaluation;

10. *Welcomes* the work of the Special Rapporteur on the human right to safe drinking water and sanitation, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for his thematic reports and the undertaking of country missions;

11. *Decides* to extend the mandate of the current mandate holder as Special Rapporteur on the human rights to safe drinking water and sanitation for a period of three years, and encourages the Special Rapporteur to promote the full realization of the human rights to safe drinking water and sanitation, in accordance with the mandate set out in Human Rights Council resolutions 7/22 and 16/2, and in accordance with all other relevant resolutions on this matter;

12. *Encourages* the Special Rapporteur to continue to contribute to the implementation of the 2030 Agenda for Sustainable Development, in particular Goal 6, with special regard to the full realization of the human rights to safe drinking water and sanitation for all;

13. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;

14. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the implementation of the human rights to safe drinking water and sanitation;

15. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of the mandate;

17. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

39th meeting
29 September 2016

[Adopted by a recorded vote of 42 to 1, with 4 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Panama, Paraguay, Philippines, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Kyrgyzstan

Abstaining:

El Salvador, Kenya, Nigeria, Russian Federation]

33/11. Preventable mortality and morbidity of children under 5 years of age as a human rights concern

The Human Rights Council,

Recalling its resolutions 24/11 of 26 September 2013 and 27/14 of 2 October 2014 on preventable mortality and morbidity of children under 5 years of age as a human rights concern, and all other relevant resolutions on the rights of the child of the Commission on Human Rights, the Council and the General Assembly,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and recognizing the need to ensure the full and effective enjoyment by all of their human rights, including the right to development,

Deeply concerned that more than 5,900,000 children under 5 years of age die each year, mostly from preventable and treatable causes, owing to inadequate or lack of access to integrated and quality maternal, newborn and child health care and services, early childbearing, and to health determinants, such as safe drinking water and sanitation, safe and adequate food and nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

Deeply concerned also that, despite progress made in the reduction of child mortality, Millennium Development Goal 4, on reducing child mortality by two thirds from

1990 to 2015, was not achieved, and that deaths of newborn babies are falling more slowly, with a projected increase, if current trends continue, in the share of neonatal deaths by 2030,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[27] and recognizing that reducing preventable mortality and morbidity of children under 5 years of age will require efforts across the 2030 Agenda, including target 3.2, on ending preventable deaths of newborns and children under 5 years of age,

Acknowledging the work done by the United Nations and its specialized agencies, funds and programmes in relation to the reduction and elimination of preventable mortality and morbidity of children under 5 years of age, and in that regard notes the Global Strategy for Women's, Children's and Adolescents' Health (2016-2030) and the establishment of the Independent Accountability Panel,

Acknowledging also the role played by women's and girls' education and empowerment, and the impact of gender inequality, when addressing the underlying causes of child mortality and morbidity,

Reaffirming that States should take all appropriate measures to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health without discrimination of any kind and, in doing so, be guided by the best interests of the child, ensuring the meaningful participation of children, consistent with their evolving capacities, in all matters and decisions affecting their lives, bearing in mind the rights, duties and responsibilities of parents or caregivers in relation to preventing mortality and morbidity of children under 5 years of age, and take steps to ensure the allocation of available resources to the maximum extent possible to achieve the full realization of the right of the child to the highest attainable standard of health, including by strengthening international cooperation in this field,

Recognizing that the factors leading to preventable mortality and morbidity of children under 5 years of age can be particularly severe in developing countries,

Recognizing also that a human rights-based approach to reducing and eliminating preventable child mortality and morbidity is an approach underpinned by the principles of, inter alia, equality and non-discrimination, participation, sustainability, transparency, the best interests of the child, international cooperation and accountability,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the implementation of the technical guidance on the application of a human rights-based approach to policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age;[28]

2. *Urges* States to disseminate the technical guidance and to apply it, as appropriate, in the design, implementation, evaluation and monitoring of laws, policies, programmes, budgets and mechanisms for remedy and redress aimed at eliminating preventable mortality and morbidity of children under 5 years of age;

3. *Calls upon* States to adopt a human rights-based approach to reducing and eliminating preventable mortality and morbidity of children under 5 years of age, including in scaling up efforts to achieve the integrated management of quality maternal, newborn and child health care and services, particularly at the community and family levels, and to take action to address the main causes of preventable mortality and morbidity of children under 5 years of age;

[27] General Assembly resolution 70/1.
[28] A/HRC/33/23.

4. *Calls upon* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, with due regard to the implementation of the 2030 Agenda, to continue to take and intensify action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 years of age, such as poverty, malnutrition, harmful practices, violence, stigma and discrimination, unsafe households and environments, lack of safe drinking water and sanitation, lack of accessible, affordable, quality and appropriate health care, services, medicines and vaccinations, late detection of childhood illnesses and low levels and quality of education;

5. *Calls upon* States to strengthen further their international commitment, cooperation and mutual assistance with the objective of reducing and eliminating preventable mortality and morbidity of children under 5 years of age, including through the sharing of good practices, research, policies, review of progress through data collection and analysis, and capacity-building;

6. *Encourages* States and all relevant stakeholders to ensure that the issue of preventable mortality and morbidity of children under 5 years of age is given due attention in the work of the Human Rights Council, including relevant Council processes, debates and mechanisms, including the universal periodic review;

7. *Calls upon* all relevant United Nations agencies to continue to provide technical cooperation and assistance to States, as requested, to reduce and eliminate preventable morbidity and mortality of children under 5 years of age, by supporting the application of the technical guidance, including through the development and dissemination of tools for its operationalization at all relevant stages of national planning and action cycles for child health and survival;

8. *Encourages* the United Nations High Commissioner for Human Rights, in close collaboration with the World Health Organization, to intensify efforts to bring the technical guidance to the attention of the Secretary-General and all United Nations entities with mandates relevant to preventable mortality and morbidity of children under 5 years of age, including the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents, and to continue dialogue on the issue of preventable mortality and morbidity of children under 5 years of age with all relevant actors with due regard to the implementation of the 2030 Agenda;

9. *Requests* the High Commissioner:

(*a*) To organize, prior to the thirty-ninth session of the Human Rights Council, in close collaboration with the World Health Organization, an expert workshop to discuss experiences in preventing mortality and morbidity of children under 5 years of age, with a particular focus on the implementation of the technical guidance, including challenges, best practices and lessons learned, and including consideration of the particular challenges in respect of the newborn child;

(*b*) To consult with and invite States, relevant United Nations agencies, funds and programmes, including the United Nations Children's Fund and the Joint United Nations Programme on HIV/AIDS, and relevant special procedure mandate holders, the Committee on the Rights of the Child, other human rights mechanisms, including regional organizations, professional medical organizations, health policymakers or practitioners and civil society to participate actively in the workshop;

(*c*) To prepare a summary report on the above-mentioned workshop, including any good practices identified thereat and recommendations arising therefrom, for submission to the Human Rights Council at its thirty-ninth session;

10. *Decides* to remain seized of the matter.

39th meeting
29 September 2016

[Adopted without a vote.]

33/12. Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Recalling also Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues, and Human Rights Council resolutions 6/12 of 28 September 2007, 15/14 of 30 September 2010 and 24/9 of 26 September 2013 on the mandate of Special Rapporteur on the rights of indigenous peoples,

1. *Decides* to extend the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years:

(*a*) To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples, in conformity with the mandate, and to identify, exchange and promote best practices;

(*b*) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous peoples and their communities and organizations, on alleged violations and abuses of the rights of indigenous peoples;

(*c*) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations and abuses of the rights of indigenous peoples;

(*d*) To work in close cooperation and coordination with other special procedures and subsidiary organs of the Human Rights Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies, the treaty bodies and regional human rights organizations;

(*e*) To enhance engagement with and to participate in the annual sessions of the Permanent Forum on Indigenous Issues and of the Expert Mechanism on the Rights of Indigenous Peoples to ensure complementarity between their work;

(*f*) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, and with indigenous peoples, national human rights institutions, non-governmental

organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(*g*) To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;

(*h*) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of the mandate;

(*i*) To consider relevant recommendations of the world conferences, summits and other United Nations meetings, and the recommendations, observations and conclusions of the treaty bodies on matters regarding the mandate;

(*j*) To submit a report on the implementation of the mandate to the Human Rights Council and to the General Assembly in accordance with their annual programme of work;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his or her communications, and to react promptly to his or her urgent appeals;

3. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, indigenous peoples to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of the mandate;

4. *Strongly encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable him or her to fulfil the mandate effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of the mandate;

6. *Decides* to continue consideration of this question in conformity with its programme of work.

39th meeting
29 September 2016

[Adopted without a vote.]

33/13. Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, including the adoption of the American Declaration on the Rights of Indigenous Peoples,

Recalling the adoption of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[29]

Recognizing that indigenous women, youth, children and persons with disabilities face particular challenges and face multi-faceted and intersecting forms of discrimination in access to health services,

Stressing the need to acknowledge traditional knowledge on and practices in health, and for intercultural approaches that are sensitive to the health needs of indigenous peoples,

Welcoming the study by the Expert Mechanism on the Rights of Indigenous Peoples on the theme, "Right to health and indigenous peoples, with a focus on children and youth", submitted to the Human Rights Council at its thirty-third session,[30] and encouraging all parties to consider the examples of good practices and recommendations included in the study as practical advice on how to attain the end goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, elders and persons with disabilities, and to intensify efforts to prevent and eliminate violence and discrimination against indigenous women and girls, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,

Recalling the commitment made by the General Assembly at the World Conference to consider ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and looking forward to the outcome of the process initiated by the President of the General Assembly and its consideration by the Assembly,

Recalling also the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No.169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[31] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Further welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, takes note with appreciation of the report on its ninth session,[32] and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

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[29] General Assembly resolution 69/2.
[30] A/HRC/33/57.
[31] A/HRC/33/27.
[32] A/HRC/33/56.

4. *Requests* the Expert Mechanism to prepare a study, to be finalized by its tenth session, on good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities, and to present it to the Human Rights Council at its thirty-sixth session;

5. *Decides* to hold, at its thirty-sixth session, its half-day panel discussion on the commemoration of the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, with a special focus on challenges and good practices in achieving the ends of the Declaration, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities and to prepare a summary report on the discussion and to submit it to the Human Rights Council prior to its thirty-eighth session;

6. *Reaffirms* its decision to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, including violence against indigenous women and girls, as a matter of high priority, in conformity with its annual programme of work;

7. *Welcomes* the ongoing cooperation and coordination among the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and their ongoing efforts to promote the rights of indigenous peoples, the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

8. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations regarding indigenous peoples;

9. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

10. *Encourages* States that have endorsed the United Nations Declaration on the Rights of Indigenous Peoples to adopt measures to pursue its objectives in consultations and cooperation with indigenous peoples;

11. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

12. *Encourages* States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development[33] and in the elaboration of relevant national programmes, strategies and plans;

13. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

[33] See General Assembly resolution 70/1.

14. *Takes note* of the activity of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

15. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

16. *Decides* to continue its consideration of this question at a future session in conformity with its annual programme of work.

39th meeting
29 September 2016

[Adopted without a vote.]

33/14. The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of every human right,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 30/28 of 2 October 2015 and Assembly resolution 70/155 of 17 December 2015,

Recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development,

Welcoming the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a convention on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

Emphasizing also that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[34] and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development provides a vital enabling environment for the full realization of the Sustainable Development Goals,

Recognizing that achieving the internationally agreed development goals, including the unmet Millennium Development Goals and the Sustainable Development Goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all its forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order, and the promotion and protection of all human rights and fundamental freedoms,

Taking note of the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Encouraging all Member States to engage constructively in the discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development,

[34] General Assembly resolution 70/1.

Affirming that the thirtieth anniversary of the Declaration on the Right to Development presents a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Reaffirming Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge the duties of the mandate in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development; [15]

2. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the High Commissioner, including on inter-agency coordination within the United Nations system that have direct relevance to the realization of the right to development, and to provide an analysis of its implementation, taking into account existing challenges and making recommendations on how to overcome them, in his next annual report;

3. *Urges* the High Commissioner to pursue his efforts, in fulfilment of his mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group;

4. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, and to provide regular updates to the Human Rights Council in this regard;

5. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group to fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4;

6. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

[15] A/HRC/33/31

7. *Welcomes* the celebrations held in 2015 to commemorate the thirtieth anniversary of the Declaration on the Right to Development, including the convening of the annual high-level panel discussion on human rights mainstreaming, with the theme "The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development" at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development at the thirty-second session of the Council and the high-level segment of the General Assembly to commemorate the thirtieth anniversary of the Declaration on the Right to Development, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, accord the right to development the great attention it deserves and to redouble their efforts towards the realization of the right to development;

8. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on the seventeenth session of the Working Group;[10]

9. *Further welcomes* the re-election of the Chair-Rapporteur of the Working Group and the skill with which he led the discussions at the seventeenth session;

10. *Notes* the presentation to the Working Group at its seventeenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,[11] which is a useful basis for further deliberations on the implementation and realization of the right to development;

11. *Requests* the Working Group to continue to consider criteria and operational subcriteria with a view to finalizing the text as expeditiously as possible, preferably no later than its nineteenth session;

12. *Requests* the High Commissioner to facilitate the participation of experts in the eighteenth session of the Working Group, to provide advice with a view to contributing to discussions on the implementation and realization of the right to development, including the implications of the 2030 Agenda for Sustainable Development, and looks forward to the possible engagement of the Working Group with the high-level political forum;

13. *Decides*:

(*a*) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and of the Sustainable Development Goals, and in this regard lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the recommendations of the Working Group adopted at its seventeenth session;

(*c*) That the Working Group, taking into account Human Rights Council resolution 9/3, shall finalize consideration of the criteria and operational subcriteria, preferably no later than the nineteenth session of the Working Group, in relation to the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development, and shall also take appropriate steps to ensure respect for the practical application of these standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an

[10] A/HRC/33/45.
[11] A/HRC/WG.2/17/2.

international legal standard of a binding nature, through a collaborative process of engagement;

14. *Also decides* to appoint, for a period of three years, a Special Rapporteur on the right to development, whose mandate will include:

(*a*) To contribute to the promotion, protection and fulfilment of the right to development in the context of the coherent and integrated implementation of the 2030 Agenda for Sustainable Development and other internationally agreed outcomes of 2015, including the Sendai Framework for Disaster Risk Reduction,[16] the Addis Ababa Action Agenda of the Third International Conference on Financing for Development[17] and the Paris Agreement on climate change,[18] and to this effect engage with Member States and other stakeholders and participate in relevant international meetings and conferences;

(*b*) To engage and support efforts to mainstream the right to development among various United Nations bodies, development agencies, international development, financial and trade institutions, and to submit proposals aimed at strengthening the revitalized global partnership for sustainable development from the perspective of the right to development;

(*c*) To contribute to the work of the Working Group with a view to supporting the accomplishment of its overall mandate, taking into account, inter alia, the deliberations and recommendations of the Working Group, while avoiding any duplication;

(*d*) To submit any specific study requested by the Human Rights Council in accordance with its mandate;

(*e*) To submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate with a view to maximizing the benefits of the reporting process;

15. *Invites* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by providing all necessary information requested, and to give due consideration to the recommendations of the mandate holder;

16. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with the administrative, logistical and staff support necessary for the implementation of the mandate under the present resolution;

17. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, to contribute further to the work of the Working Group, and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development;

18. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

39th meeting
29 September 2016

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[16] General Assembly resolution 69/283, annex II.

[17] General Assembly resolution 69/313, annex.

[18] See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

[Adopted by a recorded vote of 34 to 2, with 11 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

France, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Albania, Belgium, Georgia, Germany, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia]

33/15. National institutions for the promotion and protection of human rights

The Human Rights Council,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 27/18 of 24 September 2014 and General Assembly resolution 70/163 of 17 December 2015,

Reaffirming the importance of establishing and strengthening independent, pluralistic national human rights institutions[41] in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Reaffirming also the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in the dissemination of human rights information, and education in human rights,

Reaffirming further the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with

[41] National human rights institutions are the national institutions for the protection and promotion of human rights referred to in the Vienna Declaration and Programme of Action and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

their mandates, economic, social cultural, civil and political rights, particularly in the context of implementation of the 2030 Agenda for Sustainable Development,[42]

Welcoming the valuable participation and the contribution of national human rights institutions to all relevant United Nations mechanisms and processes, in accordance with their respective mandates, including, currently, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, their continuing efforts in the 2030 Agenda for Sustainable Development and with regard to the follow-up to the recommendations of international human rights mechanisms,

Commending the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the Global Alliance of National Human Rights Institutions,[43] regional networks of national human rights institutions and national human rights institutions in the promotion and protection of human rights,

Welcoming the recent Mérida Declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted at the twelfth International Conference of Global Alliance of National Human Rights Institutions,[44] and inviting national human rights institutions to continue their work in accordance with their mandates,

Welcoming also the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[45] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the Paris Principles;[46]

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Recognizes* that, consistent with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions for the promotion and protection of human rights that is best suited to its particular needs at the national level in order to promote human rights in accordance with its international human rights obligations and commitments;

4. *Also recognizes* the role of independent national human rights institutions in working together with their Governments to ensure full respect for human rights at the national level, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms,

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[42] General Assembly resolution 70/1.

[43] Previously known as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

[44] See A/HRC/31/NI/14, annex.

[45] A/HRC/33/33.

[46] A/HRC/33/34.

5. *Encourages* national human rights institutions to continue to play an active role in preventing and combating all violations and abuses of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

6. *Also encourages* national human rights institutions to assist, advise and engage with the State and other stakeholders in the prevention of violations and abuses of human rights, including by promoting the ratification of international treaties, promoting legal and procedural reforms, conducting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights;

7. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

8. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries;

9. *Recognizes* the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing, as appropriate, to follow-up actions to recommendations made by international human rights mechanisms;

10. *Calls upon* States to promptly and thoroughly investigate any cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate, seek to cooperate or have cooperated with them, and to bring perpetrators to justice;

11. *Welcomes* the growing number of Member States establishing or considering the establishment of national human rights institutions in accordance with the Paris Principles, and welcomes in particular the large number of States that have accepted recommendations to establish national human rights institutions at the universal periodic review and, where relevant, by treaty bodies and special procedures;

12. *Also welcomes* the continuing number of national institutions seeking accreditation status through the Global Alliance of National Human Rights Institutions, and encourages national institutions, including ombudsman institutions, to seek accreditation status;

13. *Further welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

14. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles.

15. *Welcomes* the efforts made by the High Commissioner to strengthen United Nations system-wide coordination in support of national human rights institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[47] and encourages all United Nations human rights mechanisms, and its agencies, funds and programmes to work within their respective mandates with national human rights institutions;

16. *Calls upon* the Secretary-General to continue to encourage national human rights institutions to interact with and advocate for independent participation in all relevant United Nations mechanisms and processes, in accordance with their respective mandates;

17. *Recognizes* the important role played by national human rights institutions in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, and in engaging with the human rights treaty bodies, in accordance with General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, Council resolutions 5/1 and 5/2 of 18 June 2007, Council decision 19/119 of 22 March 2012 and Commission on Human Rights resolution 2005/74 of 20 April 2005;

18. *Encourages* national human rights institutions to continue to participate in and contribute to the work of the Human Rights Council, including the universal periodic review, and to continue to engage with the special procedures and treaty bodies by, inter alia, providing parallel reports and other information;

19. *Commends in particular* the increasing engagement of national human rights institutions at all stages of the universal periodic review, and encourages national human rights institutions to monitor, promote and support the implementation of accepted recommendations in their respective national contexts;

20. *Welcomes* the increased engagement between the special procedures and national human rights institutions, including during country and follow-up visits and on thematic reports, and encourages the deepening of such engagement, including through the participation of national human rights institutions following the presentation of country mission reports to the Human Rights Council;

21. *Takes note* of the decision of the Chairs of the human rights treaty bodies to consider a common treaty body approach to engagement with national human rights institutions at their twenty-ninth annual meeting, in 2017;[48]

22. *Encourages* the human rights treaty bodies, within their respective mandates and in accordance with the treaties establishing these mechanisms, to continue to consider a common treaty body approach to engaging national human rights institutions to ensure the effective and enhanced participation by national human rights institutions compliant with the Paris Principles at all relevant stages of their work;

23. *Welcomes* the endorsement by the General Assembly of the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council in its resolutions, including most recently in Assembly resolution 70/163;

[47] General Assembly resolution 70/163, para. 19.

[48] See A/71/270, para. 92.

24. *Commends* the efforts made to date by all relevant United Nations mechanisms and processes, in accordance with their respective mandates and in accordance with General Assembly resolution 70/163, including the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the Open-ended Working Group on Ageing, and the 2030 Agenda for Sustainable Development, including the high-level political forum on sustainable development, to further enhance the participation of national human rights institutions compliant with the Paris Principles and to allow for their contribution to these United Nations mechanisms and processes, bearing in mind the relevant provisions dealing with their participation contained in Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 5/2, and 16/21 of 25 March 2011, and Commission on Human Rights resolution 2005/74, and encourages the continuation of these efforts;

25. *Invites* both the Expert Mechanism on the Rights of Indigenous Peoples and the United Nations Permanent Forum on Indigenous Issues to work to further enhance the participation of national human rights institutions, in accordance with their mandates and rules of procedure;

26. *Commends* the work of the Office of the High Commissioner with national human rights institutions, including through technical cooperation, capacity-building activities and advice, and encourages the High Commissioner, in view of the expanded activities relating to national human rights institutions, to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including by supporting the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

27. *Welcomes* the strengthening of international cooperation among national human rights institutions, including through the Global Alliance of National Human Rights Institutions, and encourages the Secretary-General to continue to provide the assistance necessary for holding international, regional and cross-regional meetings and conferences of national human rights institutions, including meetings of the Global Alliance of National Human Rights Institutions, in cooperation with the Office of the High Commissioner;

28. *Also welcomes* the important role of national human rights institutions in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

29. *Further welcomes* the strengthening in all regions of regional cooperation among national human rights institutions, and notes with appreciation the continuing work of the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions;

30. *Encourages* all States and national human rights institutions to continue to take appropriate steps to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions;

31. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

32. *Requests* the Secretary-General to submit to the Human Rights Council, at its thirty-ninth session, a report on the implementation of the present resolution and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

39th meeting
29 September 2016

[Adopted without a vote.]

33/16. Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014 and 30/18 of 2 October 2015,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Recognizing that the promotion and the protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

Welcoming the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new Constitution,

Welcoming also the results of the meeting of Yemeni political parties in Riyadh on 17 May 2015 and their commitments to find a political solution to the conflict in Yemen on the basis of the Gulf Cooperation Council initiative, the outcomes of the National Dialogue Conference and Security Council resolution 2216 (2015), and the efforts of the Secretary-General and of his Special Envoy for Yemen,

Welcoming further the positive engagement of the Government of Yemen in the Kuwait-hosted peace talks and its cooperation with the Special Envoy of the Secretary-General for Yemen, and encouraging the Government to continue its efforts to realize peace and stability in Yemen,

Recalling its call for an investigation into all cases of violation and abuse of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights,

Noting the release of the preliminary detailed report by the national commission to investigate alleged violations of human rights in August 2016, and welcoming the extension of the mandate of the national commission for one more year, in accordance with Presidential decree No. 97 of 24 August 2016, in order for the commission to be able to accomplish its mandate,

Noting with concern the level of cooperation between the national commission and the Office of the High Commissioner,

Welcoming the work of the national commission, as embodied in its preliminary report, and encouraging it to continue to work intensively towards the completion of its task during the specified period, in accordance with Presidential decree No. 97,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and also that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen[45] and of the debate held by the Human Rights Council at its thirty-third session, notes with interest the statement and comments made by the Government of Yemen on the report, and welcomes the willingness of the Government to cooperate with the United Nations and the Office of the High Commissioner;

2. *Expresses deep concern* at the serious abuses and violations of international human rights law and applicable international humanitarian law in Yemen, including those involving the continued recruitment of children, the abduction of political activists, violations against journalists, the killing of civilians, attacks on civilian infrastructure, including hospitals and ambulances, the prevention of access for relief and humanitarian aid, and the cutting of electricity and water supplies;

3. *Calls upon* all parties to respect their obligations under international human rights law and international humanitarian law, to stop immediately attacks targeting civilians and to ensure humanitarian access to the affected population nationwide, and also to facilitate the delivery of basic humanitarian goods and services;

4. *Calls upon* the Government of Yemen to take further measures to protect civilians, and to ensure the continued efforts of effective investigation by the national commission, in order to, inter alia, end impunity;

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the human rights situation and which contains specific concerns and places particular demands on Ali Abdullah Saleh and the Houthi militias to release political prisoners and journalists and to engage in the political process in an inclusive, peaceful and democratic way, ensuring that women are part of the political and peacemaking process, calls upon Mr. Saleh and the Houthi militias to meaningfully engage with the Special Envoy of the Secretary-General for Yemen, and encourages all parties to reach a comprehensive agreement that will end the conflict;

6. *Demands* that all Yemeni parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into

[45] A/HRC/33/38.

consideration the relevant recommendations made by the Secretary-General in his reports on children and armed conflict,

7. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

8. *Expresses deep concern* at the deteriorating human rights and humanitarian situation in Yemen, expresses its appreciation to donor States and to organizations working on improving the humanitarian situation, and calls upon the international community to provide financial support for the Yemen humanitarian response plan for 2016 and to fulfil its pledges to the relevant United Nations humanitarian appeal;

9. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States, to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and in accordance with the priorities set by the Yemeni authorities;

10. *Requests* the High Commissioner to provide substantive technical assistance and advice, including in the areas of accountability and legal support, to enable the national commission to complete its investigatory work concerning allegations of violations and abuses committed by all relevant parties in Yemen to fulfil its mandate in line with international standards and finalize its comprehensive report on all alleged human rights violations and abuses before the thirty-sixth session of the Human Rights Council, with both the national commission and the Office of the High Commissioner continuing to strengthen and improve their cooperation;

11. *Also requests* the High Commissioner to allocate additional international human rights experts to the Office of the High Commissioner in Yemen to complement the investigatory work of the national commission, while collecting and preserving information to establish the facts and circumstances of alleged violations and abuses, and encourages all parties to facilitate access and cooperation with the national commission and the Office of the High Commissioner;

12. *Further requests* the High Commissioner to present to the Human Rights Council, at its thirty-fourth session, an oral update on the situation of human rights in Yemen, and the developments in the implementation of the present resolution, and to present to the Council, at its thirty-sixth session, a written report on the situation of human rights, including violations and abuses since September 2014, and on the implementation of technical assistance as stipulated in the present resolution.

39th meeting
29 September 2016

[Adopted without a vote.]

33/17. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing the continued urgent need to step up the scale, coherence and quality of all capacity development in and technical assistance to Somalia in the field of human rights, and in that regard welcoming the participation of States in the universal periodic review of Somalia,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve human rights in Somalia, and in that regard also welcomes:

(*a*) The passing and ratification of the bill to establish a national human rights commission;

(*b*) The ratification by the Federal Government of the Convention on the Rights of the Child;

(*c*) The progress made in adopting a bill on sexual offences;

(*d*) The agreement and publication of a national plan of action on eradicating sexual violence in conflict;

(*e*) The ongoing efforts of the Federal Government of Somalia to produce the State's first national development plan in 30 years, and the commitments made therein to protect human rights and to promote gender equality and women's empowerment;

(*f*) The promotion of and adherence to a post-transition human rights road map, which has included consultations with civil society and existing and emerging regional administrations, and in this regard encourages support from the international community;

(*g*) The work undertaken by the Ministry of Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, such as the gender strategy, working alongside the Ministry of Justice and Religious Affairs and other departments;

(*h*) The national security policy, as agreed by the National Leadership Forum, as a further important step on security sector reform, towards the Federal Government of Somalia being able to provide security to the people of Somalia;

(*i*) The continuing institutionalization of the promotion and protection of human rights in Somalia, including efforts to incorporate protection for civilians, internally

displaced persons and returning refugees, and to promote human rights in the reform plans of the security and justice sectors;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, in this regard welcomes its acceptance of recommendations made during the review, including to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the African Charter on Human and Peoples' Rights, to establish a national human rights institution in accordance with the Paris Principles, to extend a standing invitation to special procedure mandate holders to conduct investigations, to endeavour to protect civilians from attack and to prevent the recruitment and use of child soldiers;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end the culture of impunity, uphold human rights for all and hold accountable all those who commit any such related crimes;

4. *Also expresses concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage, and female genital mutilation, and abuses and violations committed against children, including the unlawful recruitment and use of child soldiers, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Further expresses concern* that internally displaced persons, and the most marginalized and vulnerable persons, which may include women, children and persons belonging to minorities, being the most at risk, bear the brunt of violence, abuses and violations;

6. *Expresses concern* at the attacks against and harassment of human rights defenders, including journalists, in Somalia, and urges the authorities to continue efforts to prohibit, prevent and protect against all kidnapping, killings, attacks, acts of intimidation and harassment of journalists, in order to promote respect for the freedom of expression and opinion and to end the culture of impunity, holding accountable those who commit any such related crimes;

7. *Strongly condemns* the serious and systematic violations and abuses perpetrated against members of the civilian population, including women, children, journalists, parliamentarians and human rights defenders, by Al-Shabaab and its affiliates, and calls for the immediate cessation of these violations and abuses and for perpetrators to be held accountable;

8. *Recognizes* the importance and effectiveness of international assistance to Somalia, and stresses that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia;

9. *Underscores* the importance of coordinated international assistance to Somalia in the field of human rights, and in that respect welcomes:

(*a*) The continued work towards meeting the goals established in the Somali Compact, recognizing that a new framework will need to be reached between the Federal Government of Somalia and the international community to provide a coordinated approach to development, security and political issues with effect from the start of 2017, following the expiry of current Somali Compact at the end of 2016;

(*b*) The sustained and vital commitment of the African Union Mission in Somalia, recognizing the loss and sacrifice of personnel killed in action, and the Intergovernmental Authority on Development;

10. *Encourages* international donors to provide timely and tangible assistance to and to enhance cooperation with the Government of Somalia at the federal, regional State and subnational levels;

11. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons;

12. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To prepare for and hold a credible, transparent and inclusive election process in 2016 leading to the establishment of the Upper House, the election of members of the House of the People, and the subsequent election of a President and a Government in accordance with the agreed framework and electoral model;

(*b*) To uphold the commitment of the Federal Government and of regional authorities to increase participation of women so that at least 30 per cent of Members of Parliament in both houses are women;

(*c*) To continue to strengthen the important work related to constitutional review after the 2016 electoral process as part of the process towards "one person one vote" elections in 2020, and urges all parties to work together to achieve this while recognizing the importance of respect for human rights, including the right to peaceful assembly and association, the rule of law and the role of a constitution in protecting the rights of individuals and promoting national cohesion;

(*d*) To promote reconciliation and dialogue at the federal, regional State and subnational levels, recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(*e*) To continue work to establish independent, accountable and efficient judicial institutions, and to seek tangible and timely assistance from, inter alia, regional bodies, to reform the Somali judicial system and to enhance the capacity of Somali judges, with a particular focus on the promotion and protection of human rights and combating corruption;

(*f*) To initiate timely, effective, impartial and transparent investigations into killings of journalists and to prosecute all those responsible for unlawful acts, in a manner in line with provisions in the media law and in a manner that is equally consistent with other applicable domestic and international legal obligations, to create security and space for a free press to operate, and to take measures to protect and support, in law and in practice, a safe and enabling environment in which civil society and human rights defenders can operate free from hindrance and insecurity, in particular in view of the forthcoming election process;

(*g*) To bring an end, in a clear and accessible manner, to the prevailing culture of impunity and to impose a zero-tolerance policy on sexual and gender-based violence, particularly sexual violence in conflict, ensuring that perpetrators of sexual violence, exploitation and abuse, regardless of their status or rank, are held to account;

(*h*) To ensure the equitable participation of women, youth, members of minority groups and other marginalized groups in national political processes;

(*i*) To implement effectively the State's obligations under the Convention on the Elimination of All Forms of Discrimination against Women;

(*j*) To publish a plan to demonstrate how the media law will be implemented in accordance with its international human rights obligations and commitments;

(*k*) To harmonize national, regional, subregional and subnational political policies and legal frameworks with applicable human rights obligations and other commitments, including those referenced in the provisional Constitution and the migration and human rights agenda at the federal, regional State and subnational levels;

(*l*) To ensure the accountability of State institutions and security forces and those serving within them, and in so doing to increase awareness of and training on human rights among the Somali security forces at the national and subnational levels, including on the protection of civilians from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, with the timely and tangible support of the international community, to ensure that comprehensive vetting procedures are put in place for personnel in the security forces and in security institutions, and to issue clear and public orders that the Somali national armed forces, the Somali national police force and allied militias should comply with applicable national and international law;

(*m*) To work with regional leaders towards comprehensive security sector reform;

(*n*) To treat former combatants, including children under 18 years of age, in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(*o*) To continue measures to implement the plans of action to end the unlawful recruitment and use of children in the Somalia national armed forces;

(*p*) To work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers under 18 years of age are rehabilitated in accordance with international standards;

(*q*) To ensure the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel; to seek durable solutions for all internally displaced persons, including the most vulnerable; to ensure a fully consultative process and best practice for relocations, and safe, sanitary new sites that have basic services; to ensure unfettered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons; to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia; and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while paying particular attention to the rights, freedoms and needs of persons belonging to ethnic minorities requiring humanitarian assistance;

(*r*) To continue to engage constructively in the universal periodic review process, including through follow-up to commitments made during the review of the State in 2016;

13. *Strongly commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

14. *Stresses* the importance of technical assistance in building credible and impartial domestic capacity to undertake monitoring, investigations and public reporting to identify human rights concerns and inform appropriate remedies by duty-bearers;

15. *Also stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

16. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

17. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year;

18. *Requests* the Independent Expert to continue his engagement with the Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia with a view to assisting Somalia in the implementation of:

(*a*) Its domestic and international human rights obligations;

(*b*) Human Rights Council resolutions, other human rights instruments and associated routine reporting;

(*c*) The recommendations accepted during the universal periodic review;

(*d*) Other human rights commitments, including the post-transition human rights road map and particularly the process to implement the establishment of an independent human rights commission, and to uphold human rights during the election process and the political transition to a new Government;

19. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-sixth session;

20. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

21. *Decides* to remain actively seized of the matter.

59th meeting
29 September 2016

[Adopted without a vote.]

33/18. Preventable maternal mortality and morbidity and human rights

The Human Rights Council,

Recognizing that preventing maternal mortality and morbidity is one of the human rights priorities for all States, and reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling its previous resolutions on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and their review conferences and outcome documents, and reaffirming also the resolutions and agreed conclusions of the Commission on the Status of Women,

Welcoming the efforts of the World Health Organization to prevent maternal mortality and morbidity, taking note of World Health Assembly resolution 69.2 and report A68/16, and recalling the global commitment to the reduction of maternal mortality and to universal access to reproductive health,

Taking into account General Assembly resolution 70/1 of 25 September 2015 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", and its call to take the bold and transformative steps urgently needed to shift the world on to a sustainable and resilient path, to ensure that no one will be left behind and to make efforts to reach the furthest behind first,

Taking note of the Secretary-General's renewed Global Strategy on Women's, Children's and Adolescents' Health, and *recognizing* the important role it may play in reducing preventable maternal mortality and morbidity,

Recognizing the importance of strengthening coordination between all relevant United Nations agencies, in accordance with their respective mandates, in reducing preventable maternal mortality and morbidity,

Stressing that reducing maternal mortality and morbidity with full respect of States' human rights obligations and commitments will require efforts across the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[1]

Recognizing the positive contribution that the work of the Human Rights Council, including its universal periodic review mechanism, may make to national, regional and global efforts in relation to preventable maternal mortality and morbidity,

Reaffirming that States parties to the International Covenant on Economic, Social and Cultural Rights have an obligation to take steps to achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health as an integral part of this right, while also having an obligation to guarantee the exercise of this right without discrimination,

Recognizing that sexual and reproductive health and reproductive rights are, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development, and their review conferences and outcome documents, integral to the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that comprehensive sexual and reproductive health care and services contain the interrelated and essential elements of availability, accessibility, affordability, acceptability and quality, on the basis of non-discrimination and formal and substantive equality, while including the need to address multiple and intersecting forms of discrimination,

Emphasizing that realizing the rights of women and girls, which are equal to those of men and boys, in the context of health and safety requires the provision of differential services, treatment and medicines in accordance with their specific needs throughout their life cycle, which are distinctively different to those of men, and the elimination of the social and economic barriers that may make them more vulnerable,

Reaffirming that the human rights of women include a woman's right to have control over, and to decide freely and responsibly on, matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing the importance of identifying, within the framework of the Sustainable Development Goals, appropriate national indicators in reducing maternal mortality and morbidity, with full respect for States' relevant human rights obligations and commitments,

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[1] General Assembly resolution 69/313.

Bearing in mind the need to take measures, such as collecting disaggregated data and conducting surveys, to ensure that no one is left behind, especially women experiencing multiple and intersecting forms of discrimination, and that everyone is accounted for in official statistics,

Deeply concerned that, despite the impressive reductions in maternal mortality rates achieved since 1990, according to the World Health Organization, in 2015, there were an estimated 303,000 maternal deaths of women and girls, which were largely preventable, and that many more women and girls suffer serious and sometimes lifelong injuries, which have severe consequences for their enjoyment of their human rights and their overall well-being,

Affirming that a significant reason for the high rates of maternal mortality and morbidity in developing countries is the lack of adequate development and infrastructure in certain areas,

Recognizing that there are large disparities in maternal mortality and morbidity rates between countries, but also within countries, and between women with a high and a low income, and between those living in rural as against urban areas, and noting with concern that the risk of maternal mortality is highest for adolescent girls under 15 years of age, and that complications in pregnancy and childbirth are a leading cause of death among adolescent girls in developing countries, and recognizing also that the risk of maternal mortality and morbidity is exacerbated in armed conflict and humanitarian emergencies,

Deeply concerned that there are continuing violations of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, which have a negative impact on rates of maternal mortality and morbidity, and that the full enjoyment of this right remains a distant goal for many women and girls throughout the world,

Regretting the multitude of factors that can lead to maternal mortality and morbidity, including lack of accessible and appropriate health-care services, information and education, lack of access to emergency obstetric care, poverty, all types of malnutrition, harmful practices, including child, early and forced marriage and female genital mutilation, denial of contraception, unsafe abortion, discrimination against women, gender inequality and gender-based stereotypes,

Convinced that greater political will and commitment, international cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, and that the integration of a human rights-based approach can contribute positively to the common goal of reducing that rate,

Recognizing the need for enhanced cooperation aimed at strengthening capacities and promoting adequate transfer of technology on mutually agreed terms to developing countries in order to prevent maternal mortality and morbidity in those countries,

Acknowledging that the failure to prevent maternal mortality and morbidity is one of the most significant barriers to the empowerment of women and girls in all aspects of life, the full enjoyment of their human rights, their ability to reach their full potential and to sustainable development in general,

1. *Urges* all States to renew their political commitment to eliminate preventable maternal mortality and morbidity at the local, national, regional and international levels, and to strengthen their efforts to address multiple and intersecting inequalities and to remove all barriers to access to sexual and reproductive health facilities, services, goods and information, and education, to ensure the full and effective implementation of their human rights obligations, and their commitments as addressed in the Beijing Declaration

and Platform for Action, the Programme of Action of the International Conference on Population and Development and the outcome documents of the review processes, including the commitments relating to sexual and reproductive health and reproductive rights, and the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, considering the Goals on improving maternal health and promoting gender equality and empowering women, and other interlinked Goals, by ensuring universal access to quality maternity, sexual and reproductive health-care services, including through international assistance and cooperation, the allocation of domestic resources to health systems and the provision of the necessary information and services in relation to the right to the highest attainable standard of physical and mental health, including the sexual and reproductive health of women and girls;

2. *Requests* States and other relevant actors to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and international assistance and cooperation arrangements, including by strengthening technical cooperation to address maternal mortality and morbidity, including through the transfer of expertise, technology and scientific data, and exchanging good practices with developing countries, while honouring existing commitments, and to integrate a human rights-based perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

3. *Urges* States and encourages other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels, utilizing a human rights-based approach to address the interlinked causes of maternal mortality and morbidity, such as lack of accessible, affordable and appropriate health-care services for all, and of information and education, poverty, all types of malnutrition, harmful practices, including child, early and forced marriage and female genital mutilation, early childbearing, gender inequalities and all forms of discrimination and violence against women, and to pay particular attention to eliminating all forms of violence against women and girls, especially adolescent girls, while ensuring the meaningful and effective participation of women and girls in the relevant processes;

4. *Also urges* States to take steps to ensure that laws, policies and practices respect women's equal right to decide autonomously in matters regarding their own lives and health by repealing discriminatory laws and combating gender stereotypes and behaviours that discriminate against them;

5. *Takes note* of the report of the Office of the United Nations High Commissioner for Human Rights on the follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity;[11]

6. *Calls upon* all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions and civil society organizations to, within their respective mandates, strengthen their efforts to reduce preventable maternal mortality and morbidity, including through, inter alia, the application of the technical guidance, as appropriate, when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity, while ensuring the meaningful participation of women and girls in all decisions that affect them;

7. *Calls upon* all relevant United Nations agencies, funds and programmes, within their respective mandates, to provide technical cooperation and assistance to States,

[11] A/HRC/33/24.

upon their request, to support their efforts to implement commitments regarding maternal mortality and morbidity, and their efforts in the application of the technical guidance;

8. *Calls upon* States to assess accountability mechanisms, where they exist, in relation to maternal mortality and morbidity, including the monitoring of inequities, while ensuring access to justice for women and girls, and to build accountability into interventions and strategies, to monitor the functioning and effectiveness of those mechanisms and processes and to take remedial action to ensure they are responsive to human rights;

9. *Encourages* the High Commissioner to promote awareness and utilization of the technical guidance, as appropriate, by all relevant actors in order to accelerate the realization of the rights of women and girls and the achievement of Sustainable Development Goal target 3.1, considering its possible interlinkages with other Sustainable Development Goals;

10. *Decides* to convene, at its thirty-fourth session, a panel discussion on preventable maternal mortality and morbidity as a human rights priority for all States, including in the context of the implementation of the 2030 Agenda for Sustainable Development, and that the discussion shall be fully accessible to persons with disabilities;

11. *Requests* the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies and all other relevant stakeholders, a follow-up report on good practices and challenges in the application of a human rights-based approach to the elimination of preventable maternal mortality and morbidity, including through the utilization of the technical guidance by States and other relevant actors, including the United Nations Population Fund, the United Nations Development Programme, UN-Women and the World Health Organization, and to present it to the Human Rights Council at its thirty-ninth session;

12. *Decides* to remain seized of the matter.

40th meeting
30 September 2016

[Adopted without a vote.]

33/19. Human rights and transitional justice

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Reaffirming also the significance of the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity as effective international instruments for the prevention and punishment of genocide, war crimes and crimes against humanity,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity,[51] and the updated version of those principles,[52]

Recalling also General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling further Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009 and 21/15 of 27 September 2012, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics, and Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, General Assembly resolution 68/165 of 18 December 2013, on the right to the truth, and Council resolutions 18/7 of 29 September 2011 and 27/3 of 25 September 2014, on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Recalling the 2005 World Summit Outcome,[54] especially paragraphs 138 and 139 thereof, in which all Heads of States and Governments affirmed that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and that this responsibility entails the prevention of such crimes,

Recalling also the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies[55] and his follow-up report on the same topic,[56] including the relevant recommendations contained therein, and his reports issued in 2006,[57] 2012,[58] 2013[59] and 2014[60] outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

Noting the first and second international meetings of Global Action Against Mass Atrocity Crimes, held in San José, from 4 to 6 March 2014, and in Manila, from 2 to 4 February 2016,

Recalling General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council, inter alia, stress that a comprehensive approach to transitional justice, including the promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule

[51] E/CN.4/Sub.2/1997/20/Rev.1, annex II.
[52] E/CN.4/2005/102/Add.1.
[54] General Assembly resolution 60/1.
[55] S/2004/616.
[56] S/2011/634.
[57] A/61/636-S/2006/980 and Corr.1.
[58] A/66/749.
[59] S/2013/341.
[60] A/68/213/Add.1 and A/69/181.

of law, access to justice and good governance, further extending legitimate State authority and preventing countries from lapsing or relapsing into conflict,

Taking note of the work conducted by the International Law Commission on the topic of "crimes against humanity",

Affirming that impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, encourages their recurrence and is a fundamental obstacle to sustainable peace at the national level, and also to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such violations, abuses and crimes is an important factor for their deterrence and prevention,

Noting with concern that attempts to deny or to justify such crimes may risk undermining the fight against impunity, reconciliation and efforts to prevent such crimes,

Underlining that past or current gross violations and abuses of human rights and serious violations of international humanitarian law, and including those amounting to genocide, war crimes, ethnic cleansing and crimes against humanity, particularly if assuming an early pattern of conduct, create a risk of further violations when they have not been prevented, punished or adequately addressed,

Acknowledging that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of past atrocities or similar violations,

Recognizing that justice processes, including public trials, memorialization processes and the preservation of archives and other reliable evidence concerning gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, ensure that such crimes are never forgotten and contribute to the prevention of the recurrence of these crimes or similar violations and abuses,

Recognizing also the importance of assisting States that have undergone past atrocities, upon their request and in cooperation with them, to devise a national comprehensive transitional justice strategy with a view to addressing the needs of victims and their right to an effective remedy, to preventing the recurrence of past atrocities or similar violations, to avoiding relapsing into conflict or other forms of violence, and to ensuring sustainable peace and reconciliation,

Condemning impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to investigate thoroughly and to prosecute those responsible for such violations and crimes and address the right of victims to an effective remedy in order to avoid the recurrence of similar violations and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Recognizing also the fundamental role of civil society, through its engagement, advocacy and participation in decision-making processes, in preventing the commission of

gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, or in addressing their legacy by promoting the right to the truth, justice, reparation and guarantees of non-recurrence,

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, the specific context of each situation must be taken into account with a view to preventing the recurrence of future violations and to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels with a view to promoting reconciliation,

Emphasizing the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, the vetting of public employees and officials, memorialization initiatives, and processes to achieve shared narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law,

Welcoming the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and to promote the rule of law, and its conceptual and analytical work on transitional justice and human rights, and encouraging greater efforts to ensure that a gender perspective and a victim-centred approach are fully integrated into all of these activities,

Taking note with appreciation of the work and reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Taking note of the overall work developed by the Office of the Special Advisers of the Secretary-General on the Prevention of Genocide and the Responsibility to Protect, including the Framework of Analysis for Atrocity Crimes as one of the tools to assess the risk of genocide, war crimes, ethnic cleansing and crimes against humanity in any situation,

1. *Reiterates* the responsibility of each individual State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, which entails the prevention of such crimes, including their incitement, through appropriate and necessary means;

2. *Condemns* impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, emphasizes the responsibility of States to comply with their obligations under international law to end impunity, and urges States to seek sustainable peace, justice, truth and reconciliation through comprehensive transitional justice strategies, in particular to investigate thoroughly and prosecute those responsible for such violations and crimes, in order to avoid their recurrence and promote reconciliation at the national level;

3. *Acknowledges* the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent incitement to and the commission of genocide, war crimes, ethnic cleansing and crimes against humanity, the development of comprehensive transitional justice strategies, including the punishment of gross violations and abuses of human rights and serious violations of international humanitarian law, and emphasizes in this context the

important role of national, subregional, regional and international efforts to prevent and address the legacy of these crimes, violations and abuses and therefore the necessity to strengthen the capacity of domestic efforts, jurisdictions and inter-State cooperation,

4. *Calls upon* States, where relevant, to develop comprehensive transitional justice strategies and to establish judicial and non-judicial mechanisms in order to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent their recurrence;

5. *Encourages* States and international organizations to acknowledge and support the important role of civil society in the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and, where relevant, in the promotion and monitoring of comprehensive transitional justice approaches and efforts;

6. *Reaffirms* the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stresses the importance of their equal participation and full involvement in the design, establishment and implementation of comprehensive transitional justice strategies;

7. *Calls upon* States to work to prevent potential situations that could result in gross violations and abuses of human rights and serious violations of international humanitarian law, in particular genocide, war crimes, ethnic cleansing and crimes against humanity, and, in relevant contexts, to timely and efficiently address the legacy of past atrocities in order to prevent their recurrence, including through cooperation with the Office of the Special Advisers of the Secretary-General on the Prevention of Genocide and the Responsibility to Protect and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;

8. *Requests* the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser of the Secretary-General on the Prevention of Genocide to prepare a joint study on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence, to be presented to the Human Rights Council at its thirty-seventh session;

9. *Also requests* the Special Rapporteur and the Special Adviser, in preparing the above-mentioned study, to seek the views of States, relevant United Nations mandate holders, relevant United Nations agencies, funds and programmes, and in particular the Office of the United Nations High Commissioner for Human Rights, intergovernmental organizations, national human rights institutions, non-governmental organizations and other relevant stakeholders, including practitioners;

10. *Decides* to remain seized of the matter.

40th meeting
30 September 2016

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Côte d'Ivoire, Ecuador, El Salvador, France, Georgia, Germany, Ghana, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Panama, Paraguay, Philippines, Portugal, Qatar, Republic of Korea, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland

Against:

Congo*

Abstaining:

Algeria, Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Russian Federation, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam]

33/20. Cultural rights and the protection of cultural heritage

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development and all relevant international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming the human rights and fundamental freedoms enshrined therein,

Recalling also General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and in which it stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Convinced that damage to cultural heritage, both tangible and intangible, of any people constitutes damage to the cultural heritage of humanity as a whole,

Noting that the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights, in particular the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage,

Recognizing that safeguarding the enjoyment of cultural rights may form a crucial part of the response to many current global challenges, including to the scourge of terrorism,

Recognizing also that addressing the destruction of tangible and intangible cultural heritage needs to be holistic, encompassing all regions, contemplating both prevention and accountability, focusing on acts by State and non-State actors in both conflict and non-conflict situations, and terrorist acts,

Recognizing further that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation,

Strongly condemning all acts of unlawful destruction of cultural heritage, which are often committed during or in the aftermath of armed conflicts around the world, or as a result of terrorist attacks,

Noting with deep concern the organized looting, smuggling and theft of and illicit trafficking in cultural property that could undermine the full enjoyment of cultural rights,

* The delegation of the Congo subsequently stated that there had been an error in its vote and that it had intended to vote in favour of the draft text.

and are contrary to international law and may, in some instances, generate funds for the financing of terrorism,

Acknowledging the importance of early restoration of the full enjoyment of cultural rights to individuals affected by conflict, and in particular to those who are displaced,

Emphasizing the important role that the Human Rights Council can play, in concert with all other relevant international actors, in global efforts to protect cultural heritage with a view to promoting universal respect for cultural rights by all,

Recognizing the important contribution that United Nations peacekeeping missions can make in the protection of cultural heritage and the safeguarding of the enjoyment of cultural rights, both during and in the aftermath of armed conflicts,

Acknowledging the important role of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization in international efforts to combat and prevent damage or destruction, organized looting, smuggling and theft of and illicit trafficking in cultural property, and to restore damaged property,

Welcoming the decision of the Special Rapporteur in the field of cultural rights, as expressed in her first report submitted to the Council at its thirty-first session,[61] to consider as a matter of priority the detrimental impact of the destruction of cultural heritage on the enjoyment of cultural rights,

Highlighting the important contribution made by cultural rights defenders involved in the protection of the cultural heritage of all humankind,

1. *Calls upon* all States to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage;

2. *Urges* all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law;

3. *Encourages* States that have not yet become a party to all relevant treaties that provide for the protection of cultural property to consider doing so;

4. *Calls for* enhanced international cooperation in preventing and combating the organized looting, smuggling and theft of and illicit trafficking in cultural objects and in restoring stolen, looted or trafficked cultural property to its countries of origin, and invites States to take measures in this regard at the national level to make effective use to this end of relevant tools and databases developed under the auspices of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the World Customs Organization and the International Criminal Police Organization, within the scope of their respective mandates;

5. *Encourages* the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, theft or smuggling of or illicit trafficking in cultural property, including through the provision of support and technical assistance aimed at enhancing their national capacities to restore, protect and preserve cultural heritage and property;

6. *Calls for* the development of partnerships between competent national authorities and civil society, in particular grass-roots institutions, with the aim of enhancing

[61] A/HRC/31/59

the protection of cultural rights and promoting the right of everyone to participate in cultural life, including the ability to access and enjoy cultural heritage;

7. *Also calls for* the identification of innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for the prevention and mitigation of damage caused to cultural heritage, both tangible or intangible;

8. *Further calls for* the recognition of the protection of cultural heritage as an important component of humanitarian assistance, including in armed conflict and with regard also to displaced populations;

9. *Encourages* States to adopt a gender-sensitive approach to the protection of cultural heritage and the safeguarding of cultural rights;

10. *Calls for* the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, bringing to justice anyone alleged to have harmed them;

11. *Invites* States to adopt effective strategies to prevent the destruction of cultural heritage by, inter alia, ensuring accountability, documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights and training military forces in all relevant rules concerning the protection of cultural heritage, both during and in the aftermath of armed conflict;

12. *Encourages* States to consider implementing the recommendations on intentional destruction of cultural heritage made by the Special Rapporteur in the field of cultural rights in her reports presented to the Human Rights Council[61] and to the General Assembly;[62]

13. *Requests* the United Nations High Commissioner for Human Rights:

(*a*) To convene, before the thirty-sixth session of the Human Rights Council, a one-day intersessional seminar on ways to prevent, contain and/or mitigate the detrimental impact of the damage to or destruction of cultural heritage on the enjoyment of human rights, including cultural rights by all, and on best practices in this regard;

(*b*) To invite States, the Special Rapporteur in the field of cultural rights and other relevant stakeholders from diverse regions, including experts and civil society organizations, and relevant United Nations agencies, funds and programmes, other international organizations and cultural rights defenders involved in the protection of cultural heritage to participate actively in the above-mentioned seminar;

(*c*) To submit to the Human Rights Council at its thirty-seventh session a report, in the form of a summary, on the seminar;

14. *Decides* to remain seized of the matter.

40th meeting
30 September 2016

[Adopted without a vote.]

[62] A/71/317.

33/21. Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming its decision 2/112 of 27 November 2006 and resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008, 10/15 of 26 March 2009, 13/26 of 26 March 2010, 19/19 of 23 March 2012, 25/7 of 27 March 2014, 29/9 of 2 July 2015 and 31/3 of 23 March 2016, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010, 66/171 of 19 December 2011, 68/178 of 18 December 2013, 70/148 of 17 December 2015 and 70/291 of 1 July 2016, and welcoming the efforts of all relevant stakeholders to implement them,

1. *Calls upon* States to ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

3. *Affirms* its unequivocal condemnation of all acts, methods and practices of terrorism and violent extremism conducive to terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism, as unjustifiable in accordance with applicable international law, in the light of, in particular, their detrimental effects on the enjoyment of human rights and on democratic societies, as well as threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments;

4. *Renews* its commitment to strengthen international cooperation to prevent, counter and combat terrorism, and in that regard calls upon States and other relevant parties, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism;

5. *Stresses* the responsibility of States to protect persons in their territory against such acts, in full compliance with their obligations under international law, and in particular international human rights law, international refugee law and international humanitarian law;

6. *Reaffirms* its respect for the sovereignty, territorial integrity, independence and unity of all States in accordance with the purposes and principles of the Charter of the United Nations, and stresses that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis;

7. *Also reaffirms* the importance of ensuring that the protection of human rights and fundamental freedoms and respect for the rule of law as essential components of the work and strategies of the United Nations for supporting Member States in the context of the fight against terrorism and violent extremism conducive to terrorism;

8. *Deeply deplores* the suffering caused by terrorism to the victims and their families, in particular women and children, and, while stressing the need to promote and protect the rights of victims of terrorism, reaffirms its profound solidarity with them, and stresses the importance of providing them with proper support and assistance while taking into account, inter alia, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth, in accordance with international law;

9. *Emphasizes* the need to ensure that victims of terrorism are treated with dignity and respect, stresses the need to promote international solidarity in support of the victims of terrorism, and recognizes the role that victims of terrorism can play, including in countering the appeal of terrorism;

10. *Calls upon* States, while countering terrorism, to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated has access to justice, due process and an effective remedy, and that victims of human rights violations receive adequate, effective and prompt reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence;

11. *Urges* States, while countering terrorism, to respect and protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of those rights;

12. *Stresses* the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

13. *Strongly encourages* relevant United Nations agencies to take into account in their technical assistance to counter terrorism, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

14. *Reaffirms* that terrorism and violent extremism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

15. *Urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory, and not to resort to profiling based on stereotypes founded on ethnic, racial or religious grounds or any other ground of discrimination prohibited by international law, and regrets the fact that certain measures taken to counter terrorism and violent extremism conducive to terrorism have been implemented in a way that improperly targets specific groups;

16. *Welcomes* the work carried out by the special procedures of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

17. *Recognizes* the important role of education, respect for cultural diversity, preventing and combating discrimination, employment and inclusion in helping to prevent terrorism and violent extremism conducive to terrorism, and welcomes the engagement of relevant United Nations agencies with Member States to implement strategies to prevent violent extremism conducive to terrorism through education;

18. *Also recognizes* the importance of preventing violent extremism conducive to terrorism, and in this regard recalls General Assembly resolution 70/254 of 12 February 2016, in which the Assembly welcomed the initiative by the Secretary-General and took note of his Plan of Action to Prevent Violent Extremism, and resolution 70/291, in which it encouraged United Nations entities, in line with their mandates, to implement relevant recommendations of the Plan of Action, including by providing technical assistance to

Member States upon their request, and invites Member States and regional and subregional organizations to consider developing national and regional plans of action to prevent violent extremism conducive to terrorism;

19. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism;

20. *Calls upon* States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

21. *Urges* States to ensure that gender equality and non-discrimination are taken into account when shaping, reviewing and implementing all counter-terrorism measures;

22. *Calls upon* States to highlight the important role of women in countering terrorism and violent extremism conducive to terrorism, and to consider, when appropriate, the impact of counter-terrorism strategies on women's human rights and women's organizations, and to seek consultations with women and women's organizations when developing strategies to counter terrorism and preventing violent extremism conducive to terrorism;

23. *Recognizes* the important role of religious leaders and institutions, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

24. *Reiterates* that, given their potential status as victims of terrorism and of other violations of international law, all children alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, and child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with applicable international law, in particular the obligations set out under the Convention on the Rights of the Child, and, bearing in mind relevant international standards on human rights in the administration of justice in this regard, urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups;

25. *Urges* all States to respect and protect the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights, and article 17 of the International Covenant on Civil and Political Rights, including in the context of digital communication, and calls upon States, while countering terrorism and violent extremism conducive to terrorism, to review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law, and urges them to take measures to ensure that any interference with the right to privacy is regulated by law, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that such interference is not arbitrary or unlawful, bearing in mind what is reasonable to the pursuance of legitimate aims;

26. *Emphasizes* the key importance of the full respect for the right to freedom of opinion and expression in efforts to fight terrorism and violent extremism conducive to terrorism, and also in countering the propaganda of terrorist and extremist groups, bearing in mind the provisions set out in the International Convention on Civil and Political Rights;

27. *Urges* States to ensure that any measure taken or means employed to counter terrorism and violent extremism conducive to terrorism, including the use of remotely

piloted aircraft, complies with their obligations under international law, including international human rights law and international humanitarian law;

28. *Also urges* States, while undertaking counter-terrorism activities, to respect their international obligations regarding humanitarian actors and to recognize the key role played by humanitarian organizations in areas where terrorist groups are active;

29. *Further urges* States to undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of breaches of their obligations under international law as a result of any measures taken or means employed to counter terrorism, and to ensure accountability for those responsible for violations that amount to crimes under national or international law;

30. *Notes with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the unlawful deprivation of the right to life, and other fundamental freedoms, such as freedom of peaceful assembly and association, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures;

31. *Stresses* that all measures used in the fight against terrorism and violent extremism conducive to terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights law, international refugee law and international humanitarian law;

32. *Urges* States, while countering terrorism and violent extremism conducive to terrorism, to respect the rights to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable international humanitarian law and international refugee law;

33. *Also urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with and are applied in a manner that fully respects the rights enshrined in articles 10 and 11 of the Universal Declaration of Human Rights and further codified in articles 14 and 15 of the International Covenant on Civil and Political Rights, in particular to ensure respect for the principle of certainty of the law by clear and precise provisions;

34. *Reiterates its concern* with regard to measures that can undermine human rights and the rule of law, and urges all States to take all steps necessary to ensure that persons deprived of their liberty, regardless of the place of arrest or detention, enjoy the guarantees to which they are entitled under international law, including review of their detention and other fundamental judicial guarantees;

35. *Recalls* General Assembly resolution 60/288 of 8 September 2006, by which the Assembly adopted the United Nations Global Counter-Terrorism Strategy, and welcomes Assembly resolution 70/291 on the review of the Strategy, in which it called upon Member States and the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

36. *Encourages* Member States, United Nations entities, regional and subregional organizations and relevant actors to consider instituting mechanisms to involve youth in the promotion of a culture of peace, justice and human development, and of ethnic, national and religious tolerance by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

37. *Takes note* of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[53]

38. *Welcomes* the report of the United Nations High Commissioner for Human Rights on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism;[54]

39. *Requests* the Special Rapporteur, in accordance with his mandate, to continue to gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism, and to report regularly to the Human Rights Council;

40. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

41. *Encourages* United Nations bodies, agencies, funds and programmes involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

42. *Requests* the High Commissioner and the Special Rapporteur to contribute further, appropriately, to the ongoing discussion on the efforts of States Members of the United Nations to put in place adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing individuals and entities on, and removing them from, terrorism-related sanctions lists;

43. *Recalls* that the General Assembly, in its resolution 70/148, recognized the need to continue to ensure that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomed and encouraged the ongoing efforts of the Security Council in support of those objectives, including by supporting the enhanced role of the Office of the Ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of sanctions in countering terrorism;

44. *Stresses* the importance that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, that provide technical assistance relating to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, respect of international human rights law and, as applicable, international humanitarian law and international refugee law, as well as the rule of law, as an important element of the technical assistance that they offer to States in the area of counter-terrorism, including by drawing on the advice of, and otherwise ensuring ongoing dialogue with, the special procedures of the Human Rights Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

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[53] A/HRC/31/65.
[54] A/HRC/33/29.

45. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Human Rights Council under agenda item 3, in conformity with its annual programme of work.

41st meeting
30 September 2016

[Adopted by a recorded vote of 38 to 0, with 9 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Congo, Côte d'Ivoire, Cuba, Ecuador, Ethiopia, France, Georgia, Germany, Ghana, Indonesia, Kenya, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Panama, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Viet Nam

Abstaining:

Burundi, China, El Salvador, India, Paraguay, Philippines, Russian Federation, Togo, Venezuela (Bolivarian Republic of)]

33/22. Equal participation in political and public affairs

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling all relevant international human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also all relevant General Assembly and Human Rights Council resolutions on participation in political and public affairs, in particular Council resolutions 24/8 of 26 September 2013, on equal political participation, and 27/24 of 3 October 2014 and 30/9 of 1 October 2015, on equal participation in political and public affairs,

Reaffirming that every citizen shall have the right and the opportunity, without any of the distinctions stipulated in the International Covenant on Civil and Political Rights and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to have access, on general terms of equality, to public service in his or her country, and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and held by secret ballot, guaranteeing the free expression of the will of the electors, and reaffirming also that the will of the people shall be the basis of the authority of government,

Reaffirming also that no distinctions are permitted among citizens in the enjoyment of the right to participate in the conduct of public affairs on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability,

Emphasizing the critical importance of equal and effective participation in political and public affairs for democracy, the rule of law, social inclusion, economic development and advancing gender equality, and for the realization of all human rights and fundamental freedoms,

Reaffirming that the active participation of women, on equal terms with men at all levels of decision-making, is essential to the achievement of equality, inclusive economic growth and sustainable development, the rule of law, peace and democracy,

Recognizing that the rights of everyone to freedom of expression, to peaceful assembly, to freedom of association, to education, and access to information, and inclusive economic empowerment, are among the essential conditions for equal participation in political and public affairs and must be promoted and protected,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[65] which recognizes equal participation as a vital principle for achieving sustainable development, eradicating poverty and the realization of all human rights,

Recognizing the need for further work on the full and effective implementation of the right to participate in public affairs in the context of article 25 of the International Covenant on Civil and Political Rights, including by identifying possible gaps in existing guidance on the implementation of this right,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights, the special procedures, the treaty bodies and other relevant human rights mechanisms on identifying and addressing obstacles to the full implementation of the right to participate in public affairs,

1. *Expresses concern* that, despite progress made towards the full implementation of the right to participate in public affairs worldwide, many people continue to face obstacles, such as discrimination, including multiple and intersecting forms of discrimination, in the enjoyment of their right to participate in the public affairs of their countries as well as in the enjoyment of other human rights that enable it;

2. *Recognizes* that women, persons belonging to marginalized groups or minorities, and persons in vulnerable situations are among those who are most affected by discrimination in participation in political and public affairs;

3. *Reaffirms* the obligation of States to take all appropriate measures to ensure that every citizen has an effective right and opportunity to equal participation in public affairs;

4. *Notes* the emergence of new forms of participation and grass-roots engagement, in particular through new information and communications technology and social media, and the challenges to established forms of political participation in some States;

5. *Welcomes* the expert workshop on existing guidance on the implementation of the right to participate in public affairs, and on challenges, gaps, opportunities, new developments, trends and innovations with respect to full, effective and equal participation in political and public affairs, organized by the Office of the United Nations High Commissioner for Human Rights and held on 18 May 2016, and the summary report thereon,[66] and the efforts and initiatives at all levels aimed at facilitating, in law and in practice, full and effective participation in political and public affairs;

6. *Urges* all States to ensure the full, effective and equal participation of all citizens in political and public affairs, including by, inter alia:

(a) Complying fully with their international human rights obligations and commitments and working to implement accepted universal periodic review

[65] General Assembly resolution 70/1.
[66] A/HRC/33/25.

recommendations with regard to participation in political and public affairs, including by reflecting them in their national legislative framework;

(*b*) Considering signing and ratifying or acceding to the International Covenant on Civil and Political Rights and other core international human rights treaties;

(*c*) Taking all necessary measures to eliminate laws, regulations and practices that discriminate, directly or indirectly, against citizens in their right to participate in public affairs on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability;

(*d*) Taking proactive measures to eliminate all barriers in law and in practice that prevent or hinder citizens, in particular women, persons belonging to marginalized groups or minorities, persons with disabilities and persons in vulnerable situations, from participating fully and effectively in political and public affairs, including, inter alia, reviewing and repealing measures that unreasonably restrict the right to participate in public affairs, and considering adopting, on the basis of reliable data on participation, temporary special measures, including legislative acts, aimed at increasing the participation of underrepresented groups in all aspects of political and public life;

(*e*) Taking appropriate measures to encourage publicly and to promote the importance of participation of all citizens in political and public affairs, in particular women, persons belonging to marginalized groups or to minorities, and persons in vulnerable situations, including by engaging them in designing, evaluating and reviewing policies and legislation on participation in political and public affairs;

(*f*) Developing and disseminating accessible information and educational materials on the political process and relevant international human rights law provisions to facilitate equal participation in political and public affairs;

(*g*) Taking steps to promote and protect the voting rights of all those entitled to vote without any discrimination, including facilitation of voter registration and participation and the provision of electoral information and voting papers in a range of accessible formats and languages, as appropriate;

(*h*) Exploring new forms of participation and opportunities brought about by new information and communications technology and social media as a means to improve and widen, online and offline, the exercise of the right to participate in public affairs, and other rights directly supporting and enabling it, and sharing examples of good practices in the use and wide accessibility of information and communications technology tools for the enhancement of equal participation in political and public affairs;

(*i*) Ensuring the rights of everyone to freedom of expression, peaceful assembly and freedom of association, education and development, and facilitating equal and effective access to information, media and communications technology in order to enable pluralistic debates fostering inclusive and effective participation in political and public affairs;

(*j*) Creating a safe and enabling environment for human rights defenders and civil society organizations, which together with other actors play a key role in the effective promotion and protection of all human rights;

(*k*) Providing full and effective access to justice and redress mechanisms to those citizens whose right to participate in public affairs has been violated, including by developing effective, independent and pluralistic national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

7. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goals 5 and 16, with the participation of all stakeholders;

8. *Requests* the Office of the High Commissioner to prepare concise and action-oriented draft guidelines as a set of orientations for States on the effective implementation of the right to participate in public affairs, as set out in article 25 of the International Covenant on Civil and Political Rights and as further elaborated on in other relevant provisions under international human rights law, and to present the draft guidelines to the Human Rights Council at its thirty-ninth session in order to allow the Council to take a decision on the way forward;

9. *Also requests* the Office of the High Commissioner to facilitate open, transparent and inclusive elaboration of the draft guidelines through consultations with States and with the participation of relevant United Nations agencies, funds and programmes, intergovernmental organizations, the Human Rights Committee and other treaty bodies, special procedures, regional human rights mechanisms, national human rights institutions, civil society organizations, academia and other relevant stakeholders, including through informal consultations with States and other stakeholders at the regional level;

10. *Invites* the Office of the High Commissioner to consider examining in the draft guidelines, inter alia:

(*a*) Basic principles underpinning the effective implementation of the right to participate in public affairs;

(*b*) The effective implementation of all dimensions of the right to participate in public affairs for all rights holders, without discrimination or distinction of any kind, including at the national level, in all phases of the electoral process, between elections, outside the political process in the conduct of public affairs, and in access to public service, and on the participation of citizens, individually and in association with others, at the supranational level, including within international organizations;

(*c*) Cooperation and assistance aimed at the effective implementation of the right to participate in public affairs, including through electoral assistance and observation;

(*d*) Model standards advancing the effective implementation of the right to participate in public affairs based on examples of best practices;

(*e*) Emerging and new forms of participation, in particular through new information and communications technology and social media;

11. *Requests* the Office of the High Commissioner to provide an oral update to the Human Rights Council at its thirty-sixth session, seeking the views of States on the content and the preparation of the draft guidelines, including proposals on how effective implementation of the right to participate in public affairs could be promoted further through the United Nations system;

12. *Decides* to remain seized of the matter.

41st meeting
30 September 2016

[Adopted without a vote.]

33/23. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria with a view to the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the Geneva communiqué and consistent with Security Council resolutions 2254 (2015) of 18 December 2015 and 2258 (2015) of 22 December 2015, urging the Special Envoy to continue to push the parties to negotiate a political transition, demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Expresses its deep concern* at the serious, continued violations of the cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic redouble their efforts to fulfil their commitments,

and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, and to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law;

2. *Strongly condemns* the military offensive on eastern Aleppo being conducted by forces loyal to the Syrian authorities, and calls upon them to halt immediately the indiscriminate bombing of the civilian population;

3. *Also strongly condemns* the airstrikes on 19 September 2016 on a United Nations/Syrian Arab Red Crescent aid convoy in rural Aleppo, which may constitute a serious violation of international humanitarian law, supports the call by the United Nations for an immediate, impartial and independent investigation into this incident, and calls upon all parties to the conflict to respect all humanitarian organizations, including personnel, facilities and other relief assets;

4. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

5. *Also welcomes* the statement of the International Syria Support Group of 17 May 2016 in Vienna, including its request for the Special Envoy of the Secretary-General for Syria to facilitate agreements between the Syrian parties for the release of detainees and its call for any party holding detainees to protect the health and safety of those in their custody;

6. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

7. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

8. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

9. *Further strongly condemns* all attacks against the Syrian moderate opposition, and calls for their immediate cessation, given that such attacks benefit the so-called Islamic

State in Iraq and the Levant (Daesh) and other terrorist groups, such as al-Nusrah Front, and contribute to a further deterioration in the humanitarian situation;

10. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

11. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities, personnel and transport and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

12. *Expresses its profound concern* about the findings of the report of the Commission of Inquiry regarding the tragic and relentless level of indiscriminate and disproportionate attacks on civilians in the Syrian Arab Republic, including on medical facilities, personnel and transport, the blocked humanitarian convoys, enforced disappearances, summary executions and other violations and abuses;

13. *Also expresses its profound concern* at the findings of the Commission of Inquiry that violence has reached unprecedented levels in Aleppo and other parts of the Syrian Arab Republic, and that civilians have suffered profoundly from aerial and shelling bombardments, primarily by regime forces and its supporters;

14. *Strongly condemns* the widespread practice of enforced disappearance and arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention centres run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law;

15. *Condemns* the denial of medical services in all prisons and detention facilities;

16. *Recognizes* the permanent damage that torture and ill-treatment causes to its victims and their families;

17. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

18. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

19. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors[1] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

20. *Strongly condemns* any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, while noting with outrage that civilians continue to be killed and injured by toxic chemicals used as weapons in the Syrian Arab Republic;

[1] See Security Council resolution 2235 (2015).

21. *Welcomes* the report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism,[65] and notes with deep concern its findings that the Syrian authorities were responsible for the use of chemical weapons (chlorine) in at least two attacks in the Syrian Arab Republic, in Talmenes in 2014 and Sarmin in 2015, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for one mustard gas attack in the Syrian Arab Republic, in Marea in 2015;

22. *Demands* that the Syrian Arab Republic immediately cease the use of chemical weapons and adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and to eliminate its chemical weapons programme in its entirety;

23. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

24. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

25. *Condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against civilians and civilian infrastructure, including medical facilities;

26. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any that may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

27. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

28. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

29. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

30. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

31. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic, most recently from Dar'a, in August 2016, and the alarming impact on the demography of the country, and calls upon all parties concerned to cease

[65] See S/2016/738.

immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

32. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks, in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

33. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

34. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

35. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims;

36. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

37. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

38. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

39. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

40. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway, Kuwait and the United Nations to co-host the London conference on supporting the Syrian Arab Republic and the region on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and renews its call upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges, including from the London conference;

41. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

42. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation in order to reach a genuine political transition, based on the Geneva communiqué, and consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection, regardless of gender, religion or ethnicity;

43. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

44. *Decides* to convene a high-level panel discussion on the situation of human rights in the Syrian Arab Republic at its thirty-fourth session, in consultation with the Independent International Commission of Inquiry, including on the issue of enforced disappearances and arbitrary detention, and the need for accountability for related violations and abuses, featuring witness testimony and Syrian voices, and requests the Office of the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations agencies, funds and programmes, special procedures of the Human Rights Council, national human rights institutions and civil society with a view to ensuring their participation in the panel discussion;

45. *Requests* the Office of the High Commissioner to prepare a report, in the form of a summary, on the high-level panel discussion, to be presented to the Human Rights Council at its thirty-fifth session;

46. *Decides* to remain seized of the matter.

41st meeting
30 September 2016

[Adopted by a recorded vote of 26 to 7, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Côte d'Ivoire, El Salvador, France, Georgia, Germany, Ghana, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bolivia (Plurinational State of), Burundi, China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Congo, Ecuador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Namibia, Nigeria, Philippines, South Africa, Togo, Viet Nam]

33/24. Situation of human rights in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, on technical assistance and capacity-building for Burundi in the field of human rights, and S-24/1 of 17 December 2015, on the prevention of the deterioration of the human rights situation in Burundi,

Recalling Security Council resolutions 2248 (2015) of 12 November 2015, 2279 (2016) of 1 April 2016 and 2303 (2016) of 29 July 2016,

Reaffirming that States have the primary responsibility for the promotion and protection of all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population with respect for the rule of law, human rights and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Reaffirming also the Arusha Agreement, which has been the basis for the Constitution of Burundi, and provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy and the rule of law,

Considering that the international community, including the Human Rights Council, can play an important and helpful role in preventing the further deterioration of the human rights situation in Burundi by highlighting the human rights violations and abuses and the risk of escalation of the conflict,

Recognizing the importance of the prevention of human rights violations and abuses in Burundi, especially in the context of past mass atrocities in the region,

Expressing grave concern about the increase in violence and the serious human rights violations and abuses in Burundi since the beginning of the crisis in April 2015,

Stressing the urgency of convening a genuine and inclusive inter-Burundian dialogue, based on respect for the Constitution and the Arusha Agreement, and welcoming in this regard the meetings recently organized in the framework of the political dialogue for Burundi under the auspices of the Facilitator of the East African Community, Benjamin William Mkapa, and the conclusion on Burundi adopted by the Heads of State at the Summit of the East African Community on 8 September 2016, in Dar es-Salaam,

Noting with appreciation the support of the international community for the search for a peaceful solution to the crisis facing Burundi, including, inter alia, the efforts of the African Union, the East African Community, the African Commission on Human and Peoples' Rights, previous independent experts on Burundi and the Peacebuilding Commission,

Noting decision 1 (90) adopted by the Committee on the Elimination of Racial Discrimination, at its ninetieth session under its early warning and urgent action procedures, on Burundi,

Noting also the statement of 24 August 2016 on Burundi, made by the Special Adviser on the Prevention of Genocide, in which he expressed his concerns about inflammatory statements by public officials that could constitute an incitement to violence,

Noting positively the cooperation of the Government of Burundi with the United Nations High Commissioner for Human Rights and with the group of independent experts established by the Human Rights Council in its resolution S-24/1,

Welcoming the work of the group of independent experts, and expressing deep concern about the content of their final report,[69]

Alarmed by the conclusions made by the independent experts that gross violations are systematic and patterned and that impunity is pervasive, and that without determined action by the Government of Burundi and robust and renewed engagement by the international community, including the United Nations and the African Union, the downward spiral of the country will be difficult to stop,

Reaffirming the expectations of cooperation by States Members of the Human Rights Council with international human rights mechanisms, and giving due consideration to the recommendation regarding Burundi by the group of independent experts established by the Council in its resolution S-24/1,

1. *Expresses its deep concern* about the continuous and accelerated deterioration of the human rights, economic and humanitarian situation in Burundi, in particular the situation of women and children;

2. *Strongly condemns* all violations and abuses of human rights in Burundi by all actors, particularly those involving mass arbitrary arrests and detentions, including cases involving children, cases of torture and other cruel, inhuman and/or degrading treatment, extrajudicial killings, enforced disappearances, sexual and gender-based violence, persecution of and threats against members of civil society, journalists, members of the opposition and demonstrators, including young demonstrators, and restrictions on the freedoms of expression, peaceful assembly and association, creating a climate of intimidation and fear that paralyses the whole of society;

3. *Expresses grave concern* that the independent experts cannot exclude that some of these serious human rights violations and abuses constitute crimes against humanity;

4. *Alarmed* by information about the existence of unacknowledged places of detention, which include secret cells within national intelligence service (SNR) compounds, and the private residences of high-level officials;

5. *Expresses grave concern* about the reports that most of the violations and abuses are being committed by the Burundian security forces and the Imbonerakure in a climate of impunity;

6. *Deplores* the fact that, although in certain cases investigations into serious human rights violations and abuses have been launched, they have not yielded credible results;

7. *Denounces* all parties whose actions contribute to the persistence of violence and hinder the promotion of a peaceful solution to the crisis, including armed groups, such as the Imbonerakure;

[69] A/HRC/33/37.

8. *Expresses concern* about the situation of Burundian human rights defenders, many of whom are forced into exile, and calls upon the Government of Burundi to allow human rights defenders to work in Burundi, and to protect their human rights;

9. *Strongly condemns* all public statements coming from inside or outside the country that incite violence or hatred towards different groups in Burundian society, and demands that the Government of Burundi and other parties refrain from any statements or actions that could exacerbate tensions and publicly condemn any such statements, so as to take into account the best interests of the country and to respect fully the letter and the spirit of the Arusha Agreement, a backbone for peace and democracy;

10. *Calls upon* the Government of Burundi to respect, protect and guarantee all human rights and fundamental freedoms for all, in line with the State's international obligations, to adhere to the rule of law and to undertake transparent accountability for acts of violence;

11. *Also calls upon* the Government of Burundi to comply fully with its responsibilities and to ensure the safety and the protection of its population in full respect of international law;

12. *Reaffirms its call* on the Burundian authorities to conduct thorough and independent investigations of crimes involving serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account before a court;

13. *Notes* the opening by the Prosecutor of the International Criminal Court in April 2016 of a preliminary examination into the situation in Burundi since April 2015, and recalls the obligations of Burundi as a State party to the Rome Statute of the International Criminal Court, including its obligation to fight impunity for crimes falling within the jurisdiction of the Court;

14. *Also notes* the reports of a decrease in the number of extrajudicial killings, and the steps taken by the Government of Burundi to withdraw some bans on media and civil society organizations, to cancel some arrest warrants and to release a number of detainees, calls for the immediate end to all extrajudicial killings and all other human rights violations and abuses, and urges the Government to authorize all media outlets to resume freely their activities, and to release all political prisoners;

15. *Deplores* the unprecedented non-cooperation of the Government of Burundi with the Committee against Torture during the review of the State on 29 July 2016, and the retaliatory threat to disbar Burundian lawyers participating in the review;

16. *Recalls* that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights, reiterates its urgent call to the Government of Burundi to be mindful of these standards, and notes the importance of cooperation with international human rights mechanisms as part of those efforts;

17. *Encourages* the Government of Burundi to cooperate with the regionally led mediation to enable it to immediately convene an inclusive and genuine inter-Burundian dialogue involving all concerned and peaceful stakeholders, both those who are in Burundi and those outside the country, including the meaningful participation of women, in order to reach a consensual and nationally owned solution that would aim to preserve peace, strengthen democracy and ensure the enjoyment of human rights for all in Burundi;

18. *Invites* the Government of Burundi to respect its commitment, expressed in its letter to the President of the Security Council on 15 July 2016, to facilitate without delay the deployment of a United Nations police component, including 228 United Nations police

officers, as foreseen by the Council in its resolution 2303 (2016), and urges the Government to guarantee unhindered access by United Nations staff to detention centres and detainees;

19. *Calls upon* the Burundian authorities to ensure equitable political processes and to enable the holding of free, fair and transparent democratic elections;

20. *Welcomes and supports* the ongoing efforts made at the regional and subregional levels, including by the East African Community and the Peace and Security Commission of the African Union, to monitor the situation of human rights in Burundi and to contribute to its improvement;

21. *Welcomes* the work of the African Union human rights observers deployed in Burundi, and encourages the full deployment of all observers as soon as possible;

22. *Expresses its deep concern* about the difficult situation of the more than 295,000 Burundians who have fled to neighbouring countries and of some 100,000 internally displaced persons, and welcomes the efforts of host countries;

23. *Decides* to create for a period of one year a commission of inquiry:

(*a*) To conduct a thorough investigation into human rights violations and abuses in Burundi since April 2015, including on their extent and whether they may constitute international crimes, with a view to contributing to the fight against impunity;

(*b*) To identify alleged perpetrators of human rights violations and abuses in Burundi with a view to ensuring full accountability;

(*c*) To formulate recommendations on steps to be taken with a view to guaranteeing that the authors of these violations and abuses, regardless of their affiliation, are held accountable for their acts;

(*d*) To engage with the Burundian authorities and all other stakeholders, in particular United Nations agencies, civil society, refugees, the field presence of the Office of the High Commissioner in Burundi, authorities of the African Union, and the African Commission on Human and Peoples' Rights, in order to provide the support and expertise for the immediate improvement of the situation of human rights and the fight against impunity;

(*e*) To present an oral briefing to the Human Rights Council at its thirty-fourth and thirty-fifth sessions, and a final report during an interactive dialogue at its thirty-sixth session;

(*f*) To present its report to the General Assembly and other relevant international bodies;

24. *Urges* the Government of Burundi to cooperate fully with the commission of inquiry, to authorize it to conduct visits to the country and to provide it with all the information necessary to fulfil its mandate;

25. *Requests* the immediate operationalization of the commission of inquiry, and also requests that the Office of the High Commissioner be provided with all the resources necessary, including in specialized ballistic and forensic expertise, and expertise in sexual and gender-based violence, to fulfil the mandate;

26. *Decides* to remain seized of the matter.

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30 September 2016

[Adopted by a recorded vote of 19 to 7, with 21 abstentions. The voting was as follows:

In favour:

Albania, Belgium, El Salvador, France, Georgia, Germany, Ghana, Latvia, Mexico, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia United Kingdom of Great Britain and Northern Ireland

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Morocco, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Algeria, Bangladesh, Botswana, Congo, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Namibia, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Viet Nam]

33/25. Expert Mechanism on the Rights of Indigenous Peoples

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recalling all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples, in particular Council resolution 6/36 of 14 December 2007, in which the Council decided to establish the Expert Mechanism on the Rights of Indigenous Peoples,

Reaffirming General Assembly resolution 69/2 of 22 September 2014, in which the Assembly adopted the outcome document of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples, and taking note of the report of the Secretary-General on the progress made in the implementation of the outcome document,[70]

Bearing in mind Human Rights Council resolution 30/11 of 1 October 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to convene an expert workshop to review the mandate of the Expert Mechanism, and welcoming the productive discussions held at workshop on 4 and 5 April 2016, as reflected in the report of the Office of the High Commissioner,[71]

Mindful of the work being undertaken on indigenous issues by other bodies in the United Nations system and regional human rights systems,

1. *Decides* to amend the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, which shall provide the Human Rights Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist Member States, upon request, in achieving the

[70] A/70/84-E/2015/76.
[71] A/HRC/32/26.

ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples;

2. *Also decides* that the Expert Mechanism shall:

(*a*) Prepare an annual study on the status of the rights of indigenous peoples worldwide in the achievement of the ends of the Declaration, focusing on one or more interrelated articles of the Declaration, decided by the Expert Mechanism, taking into consideration the suggestions received from Member States and indigenous peoples, including challenges, good practices and recommendations;

(*b*) Identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter;

(*c*) Upon request, assist Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations agencies, funds and programmes;

(*d*) Provide Member States, upon their request, with assistance and advice for the implementation of recommendations made at the universal periodic review and by treaty bodies, special procedures or other relevant mechanisms;

(*e*) Upon the request of Member States, indigenous peoples and/or the private sector, engage and assist them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration;

3. *Further decides* that the Expert Mechanism shall report at least once a year to the Human Rights Council on its work, and keep the Council fully informed of developments on the rights of indigenous peoples;

4. *Decides* that the Expert Mechanism shall consist of seven independent experts, one from each of the seven indigenous sociocultural regions,[72] the selection of which shall be carried out in accordance with the procedure and criteria for nominating, selecting and appointing mandate holders established by the Human Rights Council in paragraphs 39 to 53 of the annex to its resolution 5/1 of 18 June 2007;

5. *Also decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;

6. *Strongly recommends* that, in the selection and appointment process, due regard be given to recognized competence and experience in the rights of indigenous peoples, experts of indigenous origin, and gender balance;

7. *Decides* that the members of the Expert Mechanism shall serve for a three-year term, and may be reappointed for one additional term;

8. *Also decides* that, within its mandate, the Expert Mechanism shall determine its own methods of work, although the Expert Mechanism may not adopt resolutions or decisions;

9. *Further decides* that, within its mandate, the Expert Mechanism may seek and receive information from all relevant sources as necessary to fulfil its mandate;

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[72] Africa; Asia; Central and South America, and the Caribbean; the Arctic; Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

10. *Decides* that, within its mandate, the Expert Mechanism shall coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples, the United Nations Voluntary Fund for Indigenous Peoples and other United Nations bodies and processes;

11. *Encourages* the Expert Mechanism to enhance its engagement with national human rights institutions, which should be in accordance with the mandates of each national human rights institution;

12. *Decides* that the Expert Mechanism shall meet annually for up to five days, and that the sessions may be a combination of open and private meetings, as deemed necessary;

13. *Also decides* that the annual meeting of the Expert Mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, and non-governmental organizations in consultative status with the Economic and Social Council; the meeting shall also be accessible to indigenous persons with disabilities and open to indigenous peoples' organizations and non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the rules of procedure of the Human Rights Council, which will provide for timely information on participation and consultation with the States concerned;

14. *Further decides* that the Expert Mechanism may also hold intersessional meetings and activities for five days a year, and invites it to use information and communications technology to advance its work;

15. *Decides*, in order for the Expert Mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum, that it shall participate in the activities of the Permanent Forum, and invite the Special Rapporteur and a member of the Permanent Forum to attend and contribute to its annual meeting;

16. *Invites* the special procedures of the Human Rights Council to explore concrete ways to coordinate their work with the Expert Mechanism with regard to the rights of indigenous peoples;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all human, technical and financial assistance necessary for the Expert Mechanism to fulfil its mandate fully and effectively.

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30 September 2016

[Adopted without a vote.]

33/26. Technical assistance and capacity-building to improve human rights in the Sudan

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Taking note of the communiqué of 13 June 2016 of the Peace and Security Council of the African Union on the situation in Darfur, in which the Government of the Sudan is urged to spare no efforts to arrest and prosecute all perpetrators of criminal actions and attacks against personnel and assets of the African Union-United Nations Hybrid Operation in Darfur and against humanitarian organizations and their staff, and referring to the statement of 9 August 2016 by the Chairperson of the African Union Commission in which the parties are urged to ensure rapid progress in negotiations to achieve lasting, sustainable peace,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Reaffirming the importance of peace, security and political stability for the realization of all civil, political, economic, social and cultural rights,

Welcoming the commitment of the Government of the Sudan to protect and promote human rights in the country,

Welcoming also the national strategy, which runs until 2018, for eradicating female genital mutilation in a generation, and urging its full implementation,

Noting the developments taking place in the Sudan and the record of the Government of the Sudan in the promotion and protection of human rights,

Welcoming the cooperation of the Government of the Sudan during the visit in April 2016 of the Independent Expert on the situation of human rights in the Sudan and the visit in November 2015 of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights,

Welcoming also the adoption by the Government of the Sudan in March 2016 of an action plan signed by the Government and the United Nations to protect children in armed conflicts and to prevent the unlawful recruitment and use of children by the security forces of the Government by strengthening mechanisms for the protection of children, and urging its full implementation,

Encouraging the efforts of the Government of the Sudan to implement the recommendations that it accepted as part of the universal periodic review process, encouraging freedom of movement, and expressing serious concern that the Government restricted the travel of individuals seeking to participate in the pre-session meeting in March 2016 relating to the universal periodic review of the Sudan,

Emphasizing the need to ensure that humanitarian access is available and assistance is provided to internally displaced persons,

1. *Welcomes* the work of the Independent Expert on the situation of human rights in the Sudan;

2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-third session,[73] and of the comments of the Government of the Sudan thereon;

3. *Notes with appreciation* the cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Encourages* the process of conducting a comprehensive, national dialogue in the Sudan with a view to achieving sustainable peace, and encourages all Sudanese stakeholders to ensure an environment conducive to an inclusive, transparent and credible dialogue;

5. *Welcomes* the declarations by the Government of the Sudan of the cessation of hostilities in the two areas, and of the end of military operations in Darfur in June 2016, and encourages all parties to create a conducive atmosphere for, and to sign, a permanent ceasefire, in order to achieve a lasting peace that is respected by all parties and that leads to a lasting improvement in the human rights situation;

6. *Recognizes* the efforts of the Government of the Sudan to implement the Doha Document for Peace in Darfur, and calls upon the remaining armed groups to stop fighting, to engage in the peace process and to negotiate in good faith;

7. *Notes* the observation by the Independent Expert that, despite some progress, the relevant parties have yet to implement many of the recommendations made in his report submitted to the Human Rights Council at its thirtieth session,[74] which included for the Government of the Sudan to continue to deepen its efforts to combat impunity, to prevent the interference of government in the activities of civil society, for the Government to provide to the National Commission for Human Rights additional financial resources necessary to fulfil its mandate, to continue its efforts in the national dialogue to realize an inclusive, transparent process, and to work with all partners to facilitate humanitarian assistance; for the international community to enhance its technical cooperation with and assistance to the Government, to pursue efforts to support national dialogue, to continue to work closely with civil society stakeholders, and to provide internally displaced persons with humanitarian assistance; and for opposition armed movements in the Sudan to take concrete action towards implementing the recommendations made by previous mandate holders, in particular with regard to respect for human rights and international humanitarian law;

8. *Commends* the commitment of the Government of the Sudan to reinforce human rights education and to continue to incorporate human rights principles in the education system, and encourages the Government to enhance its efforts to fully implement the national plan for the protection and promotion of human rights for 2013-2023;

9. *Notes with appreciation* the continued efforts made by the Government of the Sudan in combating human trafficking, and notes the establishment of the national commission for combating human trafficking;

10. *Notes* the establishment of the national commission for combating terrorism;

11. *Notes with appreciation* the hosting by the Sudan of hundreds of thousands of refugees from neighbouring countries and countries in the region;

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[73] A/HRC/33/65.
[74] A/HRC/30/60.

12. *Encourages* the Government of the Sudan to further promote and protect the right to freedom of religion or belief, and in this respect to comply with its constitutional and international obligations;

13. *Stresses* that conducting investigations into alleged human rights abuses and violations by all parties and holding perpetrators accountable needs to be a foremost priority of the Government of the Sudan;

14. *Expresses serious concern* at reports of the closure of some non-governmental organizations and restrictions on the media, pre- and post-publication censorship, the seizure of newspapers and the banning of some journalists, and at violations of the rights to freedom of expression, freedom of association and peaceful assembly, including of students, human rights defenders and members of civil society organizations;

15. *Urges* the Government of the Sudan to ensure safeguards against arbitrary arrest or detention and to respect the human rights of all individuals, and expresses serious concern about alleged cases of arbitrary arrest and detention, including of students, human rights defenders and members of civil society organizations;

16. *Condemns* any party's violations or abuses of human rights and violations of international humanitarian law reported in the States of Darfur, Southern Kordofan and Blue Nile, including attacks on civilians and humanitarian aid workers, the indiscriminate bombing of humanitarian facilities, and sexual and gender-based violence, and urges all parties to resort to peace and to sign a permanent ceasefire;

17. *Urges* the Government of the Sudan to investigate allegations of human rights violations in the camps for internally displaced persons with a view to ending such violations;

18. *Encourages* all parties to facilitate rapid and unhindered access to populations in need of humanitarian assistance, and encourages the Government of the Sudan to intensify its endeavours to address humanitarian needs in conflict-affected areas;

19. *Encourages* the Government of the Sudan to ratify international human rights instruments, as supported by the Government during the universal periodic review of the Sudan;

20. *Encourages* the commitment of the Government of the Sudan to comprehensive national legal reform initiatives to guarantee further full compliance of the State with its constitutional and international human rights obligations, such as the revision of the Press Act, the Community Protection Law at the State level, and the National Security Act, and takes note of the amendments to the provisions of the Criminal Act of 1991, such as those that redefine the offence of rape and dissociate it from adultery, and those that introduce the offence of sexual harassment, and of the promulgation and implementation of the Act on Combating Human Trafficking and the Smuggling of Persons, the Anti-Corruption Act, and the Act on the Rights of Persons with Disabilities;

21. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the human rights situation in the country by responding to the Government's requests for technical assistance;

22. *Requests* the Office of the High Commissioner, taking into account the recommendations of the Independent Expert, to provide technical assistance and capacity-building in response to the request from the Government of the Sudan for support on ways to improve the human rights situation in the country and with a view to providing support for the country to fulfil its human rights obligations, including specifically assistance with

the legal reforms under way in the country as described in paragraph 20 above so as to help to reconcile those laws with the international obligations of the Sudan;

23. *Expresses deep concern* at the human rights situation and the security situation in conflict-affected areas, particularly in the Darfur region and in the States of Southern Kordofan and Blue Nile, and the profoundly negative impact of this on civilians, in particular women and children, and encourages the Government of the Sudan to continue its cooperation in order to facilitate the visits of the Independent Expert to conflict zones, in fulfilment of his mandate;

24. *Decides* to renew the mandate of the Independent Expert for a period of one year;

25. *Requests* the Independent Expert to present a report to the Human Rights Council on the implementation of his mandate, including recommendations on technical assistance and capacity-building, for consideration at its thirty-sixth session;

26. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert and to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

27. *Requests* the Office of the High Commissioner to provide all necessary financial and human resources support to the Independent Expert for the implementation of the mandate;

28. *Calls upon* the Government of the Sudan to continue to cooperate with the Office of the High Commissioner in the implementation of the present resolution;

29. *Decides* to consider this issue under agenda item 10.

41st meeting
30 September 2016

[Adopted without a vote.]

33/27. Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014 and 30/19 of 2 October 2015,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) April 10, 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016 and 2301 (2016) of 26 July 2016,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration

of Human Rights, the International Covenants on Human Rights and other relevant international and African instruments on human rights to which they are parties,

Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and an agreement on disarmament, demobilization and reintegration signed by the representatives of the main actors in the conflict in the Central African Republic,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015 and the holding of legislative and presidential elections in December 2015 and February and March 2016, and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Concerned about the ongoing fragile security situation in the Central African Republic owing to the continued presence of armed groups, and condemning in particular the recent acts of violence and crime that persist in Bangui and the incidents inside the country, which have induced forced displacement,

Gravely concerned at the critical humanitarian situation that continues to prevail, particularly the plight of displaced persons and refugees, concerned about the flow of refugees and its repercussions on the situation in neighbouring countries and other countries in the region, and equally concerned about the risk of sectarian violence,

Gravely concerned also at the human rights violations committed against the civilian population, including summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearances, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law,

Emphasizing the need to establish genuine disarmament, demobilization, reintegration and repatriation programmes, in line with a comprehensive strategy for security sector reform, and welcoming the successful conduct of preliminary activities in this field, which have contributed to reducing the presence of members of armed groups,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donors' conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015, and several high-level meetings held on humanitarian action in the Central African Republic,

Noting also the upcoming organization of a donors' and investors' conference, to be held in Brussels on 17 November 2016,

Recalling the need for national authorities, the international community and humanitarian actors to support the voluntary return of internally displaced persons and refugees and to ensure that this return is sustainable,

Welcoming the efforts of the African-led International Support Mission to the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the non-operational and operational military training missions of the Central African armed forces

of the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, and recalling that an in-depth investigation should be launched into the allegations, and that those responsible for these acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on exploitation and sexual abuse,

Stressing the urgency and the imperative of ending impunity in the Central African Republic, and of bringing to justice perpetrators of violations and abuses of human rights and violations of international humanitarian law, and the need to strengthen national mechanisms to ensure accountability of perpetrators, including the effective and swift installation of the special criminal court,

Emphasizing the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is party, and taking note of the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic, and on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the decision of the Central African authorities to give effect to a special criminal court by December 2016,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights violations in the Central African Republic concluded that the main parties to the conflict have committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,[75]

1. *Strongly condemns* the violations and abuses of human rights that continue to be committed by all stakeholders, and stresses that those responsible for these violations must be held responsible for their actions and brought to justice;

2. *Reiterates* its call for an immediate end to all abuses and violations of human rights and illegal acts of violence committed by all parties, and strict adherence to all human rights and all fundamental freedoms and the re-establishment of the rule of law in the country;

3. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in Central African Republic,[76] and the recommendations contained therein;

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[75] See S/2014/928.

[76] A/HRC/33/63.

4. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

5. *Welcomes* the renewal of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, and encourages it to resolutely implement a proactive and assertive approach in the protection of civilians, as enshrined in its mandate;

6. *Encourages* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

7. *Urges* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union Military Training Mission in the Central African Republic, to adopt and implement a national security policy and a comprehensive strategy for the reform of the security sector, including prior human rights verification procedures by defence and security forces;

8. *Welcomes* the commitment made by several armed groups on 5 May 2015 to release children from their ranks and to end and prevent the recruitment and use of children, and in this regard calls upon them to implement their commitment;

9. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from armed forces and armed groups, and emphasizes the need to pay particular attention to the protection, release and reintegration of all children associated with the armed forces and armed groups;

10. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary measures to end the impunity of perpetrators of acts of violence and other violations and abuses of human rights, including by strengthening the judicial system and national mechanisms to ensure accountability;

11. *Notes* the decision of the Central African authorities to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction;

12. *Welcomes* the efforts made by the Central African authorities, including the adoption and promulgation of relevant legislation aimed at establishing within the national judicial system a special criminal court with competence for serious violations of human rights and violations of international humanitarian law, and urges the national authorities to take all appropriate measures to implement the act establishing the court, including for its effective implementation and operational capability;

13. *Requests* the authorities of the Central African Republic to take immediate and concrete priority measures to strengthen the judiciary and to fight impunity in order to contribute to stabilization and reconciliation, including restoring the administration of the judiciary, the criminal justice system and the prison system throughout the country, ensuring that everyone has access to fair and impartial justice, and to operationalize the special criminal court as expeditiously as possible;

14. *Also requests* the authorities of the Central African Republic to continue their efforts to restore the effective authority of the State over the entire country, including the redeployment of State administration in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance;

15. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the Central African authorities for the conduct of the above-mentioned reforms and the restoration of State authority throughout the territory, and notes that the pledging conference to be held in Brussels on 17 November 2016 will be an opportunity to provide that support;

16. *Urges* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, including the establishment of a truth, justice, reparation and reconciliation commission, by adopting an inclusive approach likely to allow genuine and lasting reconciliation;

17. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

18. *Calls upon* the transitional authorities to continue their efforts to protect and promote the right to freedom of movement for all, including displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

19. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgencies and priorities identified by the Central African Republic, including financial and technical support, and to pay the costs for psychotrauma treatment of persons affected by the crisis;

20. *Requests* all parties to facilitate access of victim populations to humanitarian assistance and access of humanitarian actors to the entire national territory by strengthening security on the roads;

21. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors;

22. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

23. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

24. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

25. *Requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, including in two consultations with them, and with other relevant international organizations, civil society and all relevant human rights mechanisms;

26. *Also requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its thirty-fourth session, and to submit a written report to the Council at its thirty-sixth session;

27. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all financial and human resources necessary to enable her to carry out fully her mandate;

28. *Decides* to remain seized of the matter.

42nd meeting
30 September 2016

[Adopted without a vote.]

33/28. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and comply with their human rights obligations for the benefit of all human beings,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals,

Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recalling also the mandate of the Human Rights Council to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of States concerned, and the provisions in Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Noting all relevant international human rights instruments, and all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights,

Acknowledging the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, and the contribution of civil society organizations in providing States with technical support and assistance on the basis of the needs and requests of States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, including accepted universal periodic review recommendations,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in assisting States and developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, which have contributed to tangible improvements in the situation of human rights on the ground,

Emphasizing that the tenth anniversary of the Human Rights Council offers States an important opportunity to underline their commitment to the enhancement of technical cooperation and capacity-building in the field of human rights, to reflect on the progress and challenges in this area, and to deliberate on ways to foster more effective technical cooperation and capacity-building in the field of human rights,

1. *Emphasizes* that the general debate under agenda item 10 remains an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, and their achievements and good practices in this area;

2. *Encourages* States, relevant international organizations, intergovernmental bodies and civil society, including non-governmental organizations, to reflect on the achievements made and obstacles faced in their past efforts pertaining to technical cooperation and capacity-building in the field of human rights, and to deepen their dialogue and collaboration with a view to bolstering efforts to promote the enjoyment of human rights by all;

3. *Reiterates* that the discussion to promote technical cooperation and capacity-building in the Human Rights Council should continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

4. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights;

5. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies and civil society;

6. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building, particularly the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

7. *Invites* the United Nations High Commissioner for Human Rights to make his next annual oral presentation, under agenda item 10, on the overview of and successes, best practices and challenges in technical assistance and capacity-building efforts, particularly those provided by the Office of the High Commissioner and relevant United Nations agencies, to the Human Rights Council at its thirty-fourth session, and subsequently on an annual basis at the March session of the Council;

8. *Invites* the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present the next comprehensive report on the Board's work to the Human Rights Council at its thirty-fourth session, and subsequently on an annual basis at the March session of the Council, and encourages the Chairs of the boards of trustees of other funds administered by the Office of the High Commissioner to support activities in the area of technical assistance and capacity-building to make a presentation at the same session;

9. *Welcomes* the panel discussion held under agenda item 10 at the thirty-first session of the Human Rights Council on the theme "Technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities",[77] in which participants underlined the importance of technical cooperation and capacity-building in filling gaps and supporting States in overcoming challenges in the implementation of their national migration policies to promote and protect the rights of all migrants;

10. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme for the annual thematic panel discussion under agenda item 10 to be held during its thirty-fifth session will be "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward";

11. *Requests* the Office of the High Commissioner to prepare a report on progress and the challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council by the Office, other relevant United Nations agencies and, where applicable, regional organizations to support efforts by States to promote and protect human rights, and to submit it to the Council at its thirty-fifth session, to serve as a basis for the thematic panel discussion, and to liaise with States, relevant United Nations bodies and agencies, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and positive impact on the ground with a view to ensuring their participation in the thematic panel discussion;

[77] See A/HRC/31/80.

12. *Calls upon* States, relevant international organizations, intergovernmental bodies and civil society, including non-governmental organizations, to make use of the ideas and issues raised in the annual panel discussion under agenda item 10 during its thirty-fifth session to strengthen the efficiency and effectiveness of technical cooperation and capacity-building efforts in improving States' national capacities to promote and protect human rights.

42nd meeting
30 September 2016

[Adopted without a vote.]

33/29. Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Welcoming the report of the United Nations High Commissioner for Human Rights submitted in accordance with Human Rights Council resolution 30/26 on technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo,[78]

Welcoming also the visit by the High Commissioner to the Democratic Republic of the Congo from 18 to 21 July 2016, and noting his findings and recommendations,

Taking note of the final communiqué issued by the delegation of the African Commission on Human and Peoples' Rights, led by its President, following the visit made to the Democratic Republic of the Congo from 6 to 12 August 2016,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Welcoming the de facto moratorium on the death penalty already in force, and encouraging the Government of the Democratic Republic of the Congo to adopt a legal moratorium on the death penalty,

[78] A/HRC/33/36.

Welcoming also the significant progress made by the Democratic Republic of the Congo with regard to institutional and legislative developments relating to human rights and in the behaviour of rights holders and duty bearers, including the adoption in 2013 of an institutional act giving courts of appeal jurisdiction over war crimes and crimes against humanity,

Encouraging the efforts of the Democratic Republic of the Congo to combat impunity, protect civilians and raise awareness among victims of sexual violence of their need for justice and assistance by, inter alia, the establishment by the office of the personal representative of the Head of State tasked with combating sexual violence and the recruitment of child soldiers of a helpline for victims of sexual violence, which has contributed to the fight against impunity for crimes under international law and sexual and gender-based violence,

Recognizing the significant efforts made by the Government of the Democratic Republic of the Congo in the area of judicial reform, in particular in the fight against impunity, as observed by the High Commissioner,

Deeply concerned about the continued violence and serious crimes, including sexual violence, that reportedly continue to be committed against members of the civilian population by armed groups and security forces in the eastern part of the country,

Deeply concerned also about reports of the aggravation of violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important election events,

Recalling the need for a joint agreement resulting from a real, credible and inclusive political dialogue, committing all components of government and opposition parties to the respect of human rights and fundamental freedoms, with a view to holding peaceful, credible, open and transparent elections in the country, in conformity with the Constitution and the African Charter on Democracy, Elections and Governance,

Noting the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

Noting also the efforts and commitment of the Government of the Democratic Republic of the Congo to protect and promote human rights,

1. *Condemns unequivocally* the wave of violence in the eastern part of the country, and all the armed groups perpetrating it;

2. *Strongly condemns* the recent deadly clashes in Kinshasa and elsewhere in the country, and strongly urges the Government of the Democratic Republic of the Congo to intensify its efforts and to take immediate steps to resolve peacefully the political issues that led to that violence, and to avoid further confrontations;

3. *Expresses its concern* at the continuing atrocities in the Beni region against civilians, and condemns in the strongest terms the senseless criminal violence against the civilian population committed by the Allied Democratic Forces and affiliated groups in Eringeti;

4. *Also expresses its concern* at allegations of crimes in the eastern part of the country committed by members of the security forces, notes with appreciation the efforts of the Government of the Democratic Republic of the Congo to bring those responsible for these crimes to justice, and welcomes the sentences already brought down, in particular against high-ranking officers;

5. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence in the eastern part of the country, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate, in particular by strengthening its efforts in the disarmament, demobilization and reintegration of former combatants;

6. *Also encourages* the Government to provide the means necessary to facilitate ongoing inquiries and trials against those responsible for sexual violence, including that committed in Kavumu, in South Kivu;

7. *Further encourages* the Government to continue its efforts to implement the plans of action of the armed forces of the Democratic Republic of the Congo with a view to reduce and prevent the recruitment of child soldiers and sexual violence, and welcomes the progress made;

8. *Encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights, including those involving sexual violence, in the eastern part of the country, and to ensure that victims of such crimes receive adequate care, protection against reprisals, and reparations;

9. *Welcomes* the efforts made by the Government with regard to investigations and the prosecution of peacekeepers who have returned to the Democratic Republic of the Congo and been accused of alleged acts of sexual violence when deployed in the Central African Republic;

10. *Calls upon* the Government to ensure equitable political participation for all, and to create without delay the conditions necessary for the holding of free, transparent, inclusive and peaceful elections, in particular in view of the legislative and presidential elections;

11. *Invites* all stakeholders and Congolese political actors to contribute peacefully to keep peace and stability in the Democratic Republic of the Congo, to consolidate democracy and the rule of law, and to engage in good faith in a real, credible and inclusive political dialogue;

12. *Notes* the organization of the national political dialogue under the auspices of the African Union and the international community with a view to finding consensual solutions for the holding of peaceful, transparent and credible elections, and calls upon all stakeholders to respect and implement the resulting political agreement in conformity with the constitutional framework, and to refrain from any recourse to violence before, during and after the elections;

13. *Calls upon* the Government of the Democratic Republic of the Congo and the independent national electoral commission to accelerate preparations for the elections, and to establish as soon as possible a credible electoral calendar as part of the ongoing dialogue process;

14. *Notes with appreciation* the launching on 31 July 2016 by the independent national electoral commission of the process of revision of the electoral roll in the province of Nord Ubangi;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and

notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

17. *Encourages* the Government to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly, which constitute essential conditions for a real, credible and inclusive political dialogue;

18. *Welcomes* the recent liberation of certain human rights activists in the framework of the presidential amnesty, and measures to ease political tension with a view to facilitating political dialogue, calls for the complete dismissal of remaining charges against some of them, and calls upon the Government to rapidly extend these measures to prisoners of conscience who are still incarcerated;

19. *Encourages* the Government to provide greater protection for all political actors, civil society, journalists and human rights defenders during elections, and to ensure respect for all human rights;

20. *Expresses its deep concern* at the violent confrontations in the electoral context, including reports of the disproportionate use of force by security forces, and calls upon all stakeholders to reject all violence;

21. *Also expresses its deep concern* at reports of restrictions on the freedoms of peaceful assembly, opinion and expression and violations of the right to liberty and security of person, and threats against and intimidation of members of political parties, civil society representatives and journalists, and of arbitrary detention and the interference of the executive in the functioning of justice;

22. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

23. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

24. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, and of granting unlimited access by the United Nations Joint Human Rights Office to centres under the responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

25. *Encourages* the Government to continue in its commitment to its cooperation with the Office of the High Commissioner, the United Nations Joint Human Rights Office, the Human Rights Council and its special procedures;

26. *Invites in this regard* the Government to respond positively to outstanding visit requests submitted by thematic special procedure mandate holders, and to favourably consider extending a standing invitation to them;

27. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the national human rights commission, in accordance with the

principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

28. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and the security services;

29. *Welcomes* the establishment and functioning of the Constitutional Court, and encourages the Democratic Republic of the Congo to pursue the creation and installation of other courts in the context of the reform of the judicial system;

30. *Also welcomes* the vote by the National Assembly on the draft law on the implementation of the Rome Statute of the International Criminal Court, ratified by the Democratic Republic of the Congo in 2002;

31. *Encourages* the Government of the Democratic Republic of the Congo to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the national human rights commission, the interministerial committee on human rights, the national commission for the universal periodic review and the unit for the protection of human rights defenders;

32. *Reiterates* its request to the international community, in the framework of ownership of the Government of the Democratic Republic of the Congo, to improve the involvement of national authorities and beneficiaries in the design, implementation, monitoring and evaluation of projects for the promotion and protection of human rights with a view to ensuring that they have a greater impact at the central, provincial and local levels, particularly with regard to the priorities of justice and human rights, as defined in the recommendations made at the national forum on justice in April 2015;

33. *Also reiterates* its request to the international community to focus on structural, long-term interventions throughout the entire territory of the Democratic Republic of the Congo to optimize the long-term impact of technical assistance programmes;

34. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

35. *Invites* the High Commissioner to inform the Human Rights Council on the situation in the Democratic Republic of the Congo as and when appropriate;

36. *Decides* to organize, at its thirty-fourth session, in the presence of all stakeholders, an interactive dialogue on the situation of human rights in the Democratic Republic of the Congo;

37. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-fifth session, in an interactive dialogue;

38. *Also requests* the Office of the High Commissioner to prepare a report on the situation of human rights in the Democratic Republic of the Congo in the electoral context, and to present it to the Human Rights Council at its thirty-sixth session, during an enhanced interactive dialogue;

39. *Decides* to remain seized of the situation until its thirty-sixth session.

42nd meeting
30 September 2016

[Adopted without a vote.]

33/30. Arbitrary detention

The Human Rights Council,

Reaffirming articles 3, 9, 10 and 29 and other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9 to 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Recalling also Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, and Human Rights Council resolutions 6/4 of 28 September 2007, 10/9 of 26 March 2009, 15/18 of 30 September 2010, 20/16 of 6 July 2012 and 24/7 of 26 September 2013,

Recalling further General Assembly resolution 60/251 of 15 March 2006 on the Human Rights Council,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedure mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention;

2. *Takes note* with interest of the latest reports of the Working Group,[79] including the recommendations contained therein;

3. *Requests* the States concerned to take account of the views of the Working Group and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken;

4. *Notes* the efforts of the Working Group to elaborate basic principles and guidelines on remedies and procedures on the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before a court;

5. *Encourages* all States:

(*a*) To give due consideration to the opinions and appeals of the Working Group;

(*b*) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with relevant international standards and the applicable international legal instruments;

(*c*) To respect and promote the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and to be entitled to trial within a reasonable time or to release;

(*d*) To respect and promote the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful, in accordance with their international obligations;

(*e*) To ensure that the right referred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detention in relation to public security legislation;

[79] A/HRC/27/48 and Add.1-5, A/HRC/30/36 and Add.1-3, and A/HRC/30/37.

(*f*) To ensure that anyone who is arrested or detained on a criminal charge has adequate time and facilities for the preparation of his or her defence, including the opportunity to engage and communicate with the counsel of his or her choice;

(*g*) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

(*h*) To provide guarantees with respect to any form of detention against unlawful or arbitrary deprivations of liberty;

6. *Recognizes* that persons who are unlawfully or arbitrarily deprived of their liberty are vulnerable to extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, and to other human rights violations;

7. *Encourages* all States to cooperate with the Working Group and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

8. *Notes with concern* that a persistently large proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions, and to the communication of the same case pursuant to the regular complaint procedure;

9. *Encourages* the Working Group to, in accordance with its working methods, continue to provide the State concerned with relevant and detailed information concerning allegations of arbitrary detention in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the State concerned to cooperate with the Working Group;

10. *Notes with deep concern* that the Working Group has received increasing information on reprisals suffered by individuals who were the subject of an urgent appeal or opinion or who applied a recommendation of the Working Group, and calls upon the States concerned to take appropriate measures to prevent such acts and to combat impunity by bringing perpetrators to justice and by providing victims with appropriate remedies;

11. *Expresses its profound thanks* to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

12. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

13. *Decides* to extend the mandate of the Working Group for a further period of three years, in accordance with Commission on Human Rights resolutions 1991/42 and 1997/50 and Human Rights Council resolution 6/4;

14. *Notes with concern* that, according to the Working Group, it has insufficient resources to exercise its mandate effectively, particularly in relation to human resources, of which there is an acute need, and requests the Secretary-General to provide the Working Group with all the assistance necessary for it to be able to sustainably fulfil its mandate effectively, in particular by putting adequate human and material resources at its disposal, including with regard to field missions;

15. *Decides* to continue its consideration of the question of arbitrary detention in conformity with its programme of work.

42nd meeting
30 September 2016

[Adopted by a recorded vote of 46 to 0, with 1 abstention. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kenya, Latvia, Maldives, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Kyrgyzstan]

III. Decisions

33/101. Outcome of the universal periodic review: Suriname

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Suriname on 2 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Suriname, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/4), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/4/Add.1 and A/HRC/33/2, chap. VI).

19th meeting
21 September 2016

[Adopted without a vote.]

33/102. Outcome of the universal periodic review: Saint Vincent and the Grenadines

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Saint Vincent and the Grenadines on 2 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Saint Vincent and the Grenadines, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/5), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/5/Add.1 and A/HRC/33/2, chap. VI).

19th meeting
21 September 2016

[Adopted without a vote.]

33/103. Outcome of the universal periodic review: Samoa

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Samoa on 3 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Samoa, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/6), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/6/Add.1 and A/HRC/33/2, chap. VI).

19th meeting
21 September 2016

[Adopted without a vote.]

33/104. Outcome of the universal periodic review: Greece

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Greece on 3 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Greece, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/7), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/7/Add.1 and A/HRC/33/2, chap. VI).

21st meeting
21 September 2016

[Adopted without a vote.]

33/105. Outcome of the universal periodic review: Sudan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Sudan on 4 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of the Sudan, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/8), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/8/Add.1 and A/HRC/33/2, chap. VI).

21st meeting
21 September 2016

[Adopted without a vote.]

33/106. Outcome of the universal periodic review: Hungary

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Hungary on 4 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Hungary, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/9), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/9/Add.1 and A/HRC/33/2, chap. VI).

21st meeting
21 September 2016

[Adopted without a vote.]

33/107. Outcome of the universal periodic review: Papua New Guinea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Papua New Guinea on 6 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Papua New Guinea, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/10), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the

plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/10/Add.1 and A/HRC/33/2, chap. VI).

22nd meeting
22 September 2016

[Adopted without a vote.]

33/108. Outcome of the universal periodic review: Tajikistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Tajikistan on 6 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Tajikistan, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/11), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/11/Add.1 and A/HRC/33/2, chap. VI).

22nd meeting
22 September 2016

[Adopted without a vote.]

33/109. Outcome of the universal periodic review: United Republic of Tanzania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the United Republic of Tanzania on 9 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of the United Republic of Tanzania, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/12), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/12/Add.1 and A/HRC/33/2, chap. VI).

22nd meeting
22 September 2016

[Adopted without a vote.]

33/110. Outcome of the universal periodic review: Antigua and Barbuda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Antigua and Barbuda on 9 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Antigua and Barbuda, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/13), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/2, chap. VI).

24th meeting
22 September 2016

[Adopted without a vote.]

33/111. Outcome of the universal periodic review: Swaziland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Swaziland on 10 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Swaziland, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/14), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/14/Add.1 and A/HRC/33/2, chap. VI).

24th meeting
22 September 2016

[Adopted without a vote.]

33/112. Outcome of the universal periodic review: Trinidad and Tobago

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18

June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Trinidad and Tobago on 10 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Trinidad and Tobago, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/15), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/15/Add.1 and A/HRC/33/2, chap. VI).

24th meeting
22 September 2016

[Adopted without a vote.]

33/113. Outcome of the universal periodic review: Thailand

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Thailand on 11 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Thailand, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/16), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/16/Add.1 and A/HRC/33/2, chap. VI).

25th meeting
23 September 2016

[Adopted without a vote.]

33/114. Outcome of the universal periodic review: Ireland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Ireland on 11 May 2016 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Decides to adopt the outcome of the review of Ireland, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/33/17), the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/33/17/Add.1 and A/HRC/33/2, chap. VI).

25th meeting
23 September 2016

[Adopted without a vote.]

IV. President's statement

PRST 33/1. Reports of the Advisory Committee

At the 38th meeting, held on 29 September 2016, the President of the Human Rights Council made the following statement:

> "The Human Rights Council, recalling its resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its sixteenth and seventeenth sessions,[80] and notes that the Advisory Committee has made certain research proposals."

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[80] A/HRC/AC/16/2 and A/HRC/AC/17/2.

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